

**EARLY SIGNS OF WAR CRIMES AND  
HUMAN RIGHTS ABUSES COMMITTED  
BY THE RUSSIAN MILITARY DURING  
THE  
FULL-SCALE INVASION OF UKRAINE**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON EUROPE, ENERGY, THE  
ENVIRONMENT AND CYBER

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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**EARLY SIGNS OF WAR CRIMES AND HUMAN RIGHTS ABUSES COMMITTED BY THE RUSSIAN MILITARY DURING THE FULL-SCALE INVASION OF UKRAINE**

**Wednesday, March 16, 2022**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON EUROPE, ENERGY, THE  
ENVIRONMENT AND CYBER,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:11 a.m., via Webex, Hon. William Keating (chairman of the subcommittee) presiding.

Mr. KEATING. I call this hearing to order, the House Foreign Affairs Subcommittee. Without objection, we'll move forward.

The chair is authorized to declare a recess of the committee at any point and all members will have 5 days to submit statements, extraneous materials, and questions for the record subject to the length and limitation of the rules.

To insert something into the record, please have your staff email the previously mentioned address or contact the full committee staff. Please keep your video function on at all times even when you're not recognized by the chair. Members are responsible for muting and unmuting themselves and please remember to mute yourself after you're finished speaking.

Consistent with House Resolution 965 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they're not being recognized to eliminate background noise.

I see that we have a quorum present and will now recognize myself for an opening statement.

Pursuant to notice, we're holding a hearing today entitled, "Early Signs of War Crimes and Human Rights Abuses Committed by Russian Military During the Full-Scale Invasion of Ukraine."

During the hearing, witnesses will be presenting testimony including videos that vividly depict the situation on the ground in Ukraine.

While the media displayed and the testimony of our witnesses are vital pieces of evidence, I want to warn the audience at the outset of the hearing that many of the topics discussed and the videos and photos that may be shown are graphic and they're disturbing.

It's important to note that we have a real record of what's going on. So many times when this kind of activity occurs, activity that arises to the level of war crimes it is being denied by those who

are perpetrating it, and that's the case with the Russian Federation.

But it's also important to have a congressional record of this in place because decades later these same parties will continue to deny that it ever occurred. So now I'll begin with my opening remarks.

Thank you all for participating in today's hearing on this timely and critical topic. We, tragically, find ourselves witnessing the worst war and humanitarian crisis in Europe since World War II.

Despite being only 21 days into Russia's full-scale invasion of Ukraine, reports are already surfacing containing alarming implications of war crimes and gross violations of human rights by the Russian military.

Every morning the world is confronted with new, shocking, horrible images of civilians in Ukraine that have been killed or wounded as a result of Russian military attacks.

To be specific, recent reports indicate that Russia—the Russian forces have killed at least—and these are just the official reports—600 Ukrainian civilians, some of them children. It was noted by President Zelensky in this morning's address suggests that he numbers the number of child casualties over a hundred.

One such girl, Anastasia Stoluk, only 10 years old, died from a gunshot wound while at her home in a village 40 miles north of Kyiv. Four members of her family of five, Anton, Svetlana, Polina, Semyon, were gunned down while trying to flee Kyiv. The youngest child was only five, and they are survived only by their one daughter, Sofia, who is in critical condition.

Russian ordnances killed three of a family of four, Alise, Nikita, Tatiana, in Irpin. They are survived by their father, Serhiy.

At this moment, the city of Mariupol is under siege and civilians are dying in what is quickly becoming the largest humanitarian tragedy of the war so far. Russian shelling has already hit a hospital and a maternity ward in Mariupol, leading to the death of a young mother and her newborn child. Compounding this tragedy, the lack of access to food, water, electricity, and other life-sustaining necessities, all in frigid temperatures, threatens the death of more than—many, many more innocent civilians.

Finally, in addition to the human cost of this war, the Russian military has destroyed places of worship, sacred memorials, civilian infrastructure, children's playgrounds, in one of the most reckless set of acts of violence the world has ever seen.

The Russian military has even shelled nuclear power plants, potentially exposing Ukrainians and the world at large to radiological poisoning.

We must understand these things in concrete terms. These people in these places are real, husbands, wives, fathers, mothers, sons, daughters, sisters, and brothers being ripped from life early by a marauding army, craven leader.

But we know all of this because, today, we have sophisticated and accessible technological devices that can show the world these atrocities. Potential Russian war crimes just can't be covered up the way they have in the past. They can't just be explained away or used for propaganda's sake. The images are real, their locations are real, and the perpetrators and their victims are real.

Russia can no longer deny the atrocities they've committed in Ukraine.

However, let me be clear. Vladimir Putin has not only invaded a sovereign democracy but his actions threaten the framework of our modern international order laid out after World War II to prevent other catastrophic events from ever occurring.

So far, the U.S., along with the vast majority of countries in the international community, recognize the severe implications to not only peace and stability in Europe but to the rest of the world.

Luckily, the institutions that many Americans and our allies worked so hard to create after World War II have worked, from the U.N. condemning Russians' actions to NATO providing tangible deterrence, to restrictions placed on Russian oligarchs by international financial institutions, to reporting by international media outlets.

Our collective consciousness has awoken to this crisis and risen to the occasion to meet it in full force, now confronted with the injustices committed in Ukraine, NATO and EU members as well.

Allies and partners around the world all working together. Asian areas, Japan, Singapore, Taiwan, allies in Australia are more unified than ever in condemning Vladimir Putin's war of choice.

Our support for Ukraine is unprecedented, comprehensive, and resolute. We can't just say never again. We have to ensure never again. For those reasons and as chair of this subcommittee, I've made it my top priority of mine to shine a light on this incredibly, brutally taken out Russian military, their indiscriminate killing of Ukrainian civilians, the use of devastating weapons in heavily populated areas, and potentially targeting of civilians on purpose.

All serve as a reminder to us that even in war certain rules must be followed. Ukrainians and Russians alike must know more than anyone that the rest of the world is watching and will not let such crimes go unpunished.

In due time, I also hope that the Russian people see these photos and videos as well. They should know what their government is doing and the horrific plight of everyday Ukrainians.

To accomplish this goal, the ranking member and I have brought together a distinguished group of witnesses to testify on war crimes and human rights abuses, their role in international law, the methods used to collect evidence and build cases for trial, as well as the types of weapons and tactics used by the Russian military.

This testimony is essential to lay the foundation for future avenues of justice.

To our expert witnesses, I thank you very much for being here today. I look forward to hearing your perspective on how the U.S., the EU, and various nongovernmental organizations can work in promoting awareness, gather evidence of possible war crimes in Ukraine, and holding any war crime criminals accountable for their actions.

I want to thank the ranking member for joining with me and helping move this hearing forward.

I'll now recognize Mr. Fitzpatrick for his opening statement.

Mr. FITZPATRICK. Thank you, Mr. Chairman, and I want to thank Chairman Keating for his strong passionate statements and strong support for Ukraine.

It's an honor to be working hand in glove with him and everybody on our subcommittee from both parties to make sure that we do everything we can to protect Ukrainians and hold Vladimir Putin fully accountable for everything, all the heinous war crimes and murderous actions he's engaging in right now.

We have entered into the third week of Russia's invasion on the innocent country and the people of Ukraine. There have been about 600 civilian deaths, between 2,000 and 4,000 Ukrainian armed forces that have been killed, thousands of injured in Ukraine as well as Americans that have been killed.

We know that the Russian military is, largely, reliant on mass artillery as well as unguided bombs and missiles. In a previous conflicts that Russia has engaged in allegations were raised of potential war crimes by Russian units specifically targeting civilians and civilian infrastructure. A few examples, including the Chechen wars of—from 1994 to 1996 and in 1999 to 2009 against the people of Chechnya.

During both of those conflicts, Russian forces were accused of potential human rights abuses, including the killing of civilians, indiscriminate bombing and artillery attacks, and targeting civilian infrastructure. And the same horrendous events are now taking place, once again, in Ukraine.

Russia's intervention in Syria is another example of when Russia has been accused of war crimes. In March 2020, the United Nations Human Rights Council accused Russia of complicity in war crimes for specifically targeting civilian areas and infrastructure in Syria. It is no secret what Russia is capable of and how far they will go to achieve total control of the old Soviet bloc.

On February 24th, Russian President Vladimir Putin announced an unprovoked, unnecessary, quote/unquote, "special military operation" to supposedly, in his words, demilitarize and de-Nazify Ukraine.

Since then, we have seen Russian forces attack and fire upon a nuclear plant, bomb civilian infrastructure buildings such as residential homes and apartments, destroy an operating maternity ward with infants inside, and target a pediatric cancer hospital.

These are only a few of the horrific acts that the Putin regime has carried out and it is clear that they will stop and nothing, not even killing innocent children with cancer, to continue their rampage on Ukraine, and it is unfathomable that we, as a country, are going to sit by and watch these events unfold while the people of Ukraine are living in bomb shelters and falling asleep to the sound of gunshots, military airplanes, and explosions each and every day.

Some examples of committing a war crime include intentionally killing civilians, torture, taking hostages, unnecessarily destroying civilian property, and so on.

It is clear that Russia has demonstrated early signs of war crimes and human rights abuses in Ukraine, and this is not the first time Russia has been accused of committing war crimes and human rights abuses and it's clear it won't be the last.

How many times will Russia have to be accused of committing war crimes for them to be stopped? The U.S. needs to stand up to these thuggish dictators like Vladimir Putin and take action to pre-

vent Putin from wreaking even more havoc on innocent countries and innocent people.

I look forward to hearing from our panelists to further this discussion. As Chairman Keating said, this is important, an important first step to build a record that we can use to forward a charging document and ultimate prosecution of Vladimir Putin for committing war crimes.

Mr. Chairman, I yield back.

Mr. KEATING. Thank you, Ranking Member, Mr. Fitzpatrick, and thank you for all you're doing in trying to stand up for the people of Ukraine within the committee and personally.

As I introduce today's witnesses, I want to ask unanimous consent that their—all of their written statements be submitted for the record. I also, with the agreement of the ranking member, would like to mention, too, that because of the films that are here we're extending the time for these witnesses to speak and give their oral testimony as well.

Again, I've been asked to warn members that these videos and the topics discussed are graphic in nature as we move forward. But they're, again, so important that we ensure an accurate document of what's actually occurring in Ukraine perpetrated by the Russian Federation.

So I'll now introduce our witnesses. Thank you all for being here.

Mr. Christo Grozev is the Chief Executive Officer of Bellingcat. Grozev focuses on security threats, Russian intelligence operations and Weaponization of information.

He and his team earned the European prize for investigative journalism for exposing the identity of the suspects behind the 2018 Sergei Skripal poisoning in the United Kingdom.

I now recognize Mr. Grozev.

**STATEMENT OF CHRISTO GROZEV, CHIEF EXECUTIVE  
OFFICER, BELLINGCAT**

Mr. GROZEV. Thank you very much for inviting us, Chairman Keating.

First, a few words on what Bellingcat is doing in this conflict and how it all started, from our perspective. Bellingcat was established in 2014 as a global collaborative platform for investigations based on open source data.

Over the last 7 years, our researchers have scoured through tens of thousands of images and videos from war-torn countries including Syria, Ukraine in 2014–2015, and Yemen, and our main focus has been to verify through methods such as geolocation, chronolocation, and contextual research visual evidence of the use of weapons, whether conventional or chemical, against civilian targets.

Evidence gathered and verified by Bellingcat has already served as the basis of prosecutorial investigations in the case of, for example, the shooting down of Malaysian airliner MH-17 in 2014 by a Russian military brigade and in the killing of a Georgian asylum seeker in Berlin in 2019 by the Russian government. Using the war in Yemen as a test case, we developed a robust methodology of verification, preservation of chain of custody, investigation, and archiving of incidents of harm caused to civilians during wartime.

These methods were, in fact, tested thoroughly and deemed acceptable for use in courts by an English common law judge. With Russia's invasion of Ukraine in February this year, Bellingcat directed all of our resources to gathering, verifying, and preserving evidence of harm to civilians in this new conflict.

We engaged the same verification methods previously tested in the Yemen case. These include a robust system of evidence gathering by a dedicated team that is firewalled from Bellingcat's editorial team, this to ensure the integrity of the evidence and to avoid any potential bias in data gathering.

Each reported incident is logged, validated, described, and archived, with attribution of weaponry used and origin of attack being added to each case whenever this is possible to determine through the use of open source methods.

The purpose of this evidence gathering is to provide a dataset of prevalidated incidents of civilian harm to judicial bodies that will investigate cases of war crimes, such as the International—the ICC, the prosecutors of individual countries that invoke their universal jurisdiction on war crimes, such as Germany and Spain, that have already taken on this responsibility and likely the Netherlands, and maybe other countries.

The goal of this project is not to replace the actual investigative bodies of these countries. It is to speed up the process of verification and, in turn, to significantly shorten the time to serving justice to the victims and their families. In just 19 days of war, Bellingcat has recorded more than 350 incidents that have caused harm to civilians, most of this deadly harm.

Of these, just over 10 percent, between 35 and 40, appeared to be egregious cases of violations of the law of warfare with unwarranted targeting of residential buildings, and in some cases, even hospitals and maternity wards, and with indiscriminate use of inhumane munitions such as cluster bombs in or near residential areas.

While Bellingcat has not yet completed the process of attribution of origin of attack, most of these attacks appear plausibly attributable to the Russian side of the conflict and, in some cases, the Russian government has even unapologetically taken credit for the attacks on civilians.

Under the time constraint, this testimonial will focus on just five examples from the most egregious cases of civilian harm that had been verified and archived by us. First would be the intentional missile strike on Mariupol's maternity hospital on the 9th of March 2022.

Many of you have seen the haunting images of the aftermath of the strike, which left two dead and at least ten wounded. Surreally, further casualties were prevented because the Russian government had indicated the previous day that its forces planned to strike a maternity hospital in Mariupol under the unsubstantiated claim that it served as a recruiting station for Ukrainian volunteer battalions.

We will try to share this video, even though many of you have seen it already, or video from the aftermath of this shelling.

[Video shown.]

Mr. GROZEV. This is video of the aftermath of the shelling of the maternity hospital. I would like to express—well, to add to this the fact that in the days after this was recorded and broadcast worldwide the Russian government actually launched a disinformation campaign where they claimed that these videos had been faked and represented crisis actors. In fact, pregnant women were played by actresses, they said.

We have looked into these allegations as we do with every such claim and we found them to be completely unsubstantiated and these videos have been verified by us and by many others.

Second, I would pinpoint the air strike on a Chernihiv residential area, actually, several residential areas, on the 3d of March this year. At least eight dumb bombs, unguided bombs, causing indiscriminate and uncontrollable death were dropped into the middle of a residential area, killing about 50 people and we're still counting.

Let's have a quick look at the video in this egregious case as well.

[Video shown.]

Mr. GROZEV. This is an example of just one of the A bombs that were launched into Chernihiv.

Third, the strike on the Kiyv TV tower on the 1st of March this year, which also killed three innocent civilians and hit a nearby Holocaust Memorial. We'll have a quick look at the video that has been verified by us in this case as well.

[Video shown.]

Mr. GROZEV. Needless to say, a TV tower is located at the center of the city and there's no plausible way that it could be targeted without consideration of civilian damage, and we see that in this case as well.

Moving on to the fourth case I would like to bring to your attention is the air strikes in Kharkiv on the 1st of March 2022, which may have been targeting an industrial area but hit a residential block of flats, killing dozens of civilians.

Let's have a look at video from the aftermath of that as well.

[Video shown.]

Mr. GROZEV. And, last, we can also pinpoint the widespread use of cluster munitions, especially in the city of Kharkiv, which have repeatedly impacted civilian areas, countless civilian casualties, all foreseeable when using cluster munitions near residential areas.

And the last video we will look at is from Kharkiv.

[Video shown.]

Mr. GROZEV. These are the telltale horrible signs of cluster munitions, in this case, exploding near a playground near a kindergarten.

These are only five of the nearly 40 cases of indiscriminate or intentional targeting of residential areas that has caused multiple civilian casualties. We are going to actually attach a full list of incidents and make it available to—as an appendix to all members of the committee.

We believe many of these will be investigated as possible war crimes. However, I'd like to mention that not all potential war crimes are easily captured on camera and uploadable on social media by firsthand witnesses.

We have also received private videos and photographs as well as direct witness reports, parts of which we have been able to also verify, that may likely constitute war crimes. These include, for example, photographs of bodies of civilians with clearly visible signs of torture and mutilation, which were geolocated and time stamped to areas and times where troops from the so-called Spetsnaz units of Chechnya's leader Ramzan Kadyrov had been located just hours earlier.

These photographs were made available directly to Bellingcat by witnesses who could not upload them to social media for fear of being tracked down and reprisals against them.

In other cases, witnesses interviewed by us told us of intentional killings by a member of these Chechen units of civilians on—of murders of civilians in villages, who had seen the route of the armed units likely in order to eliminate witnesses who might report later on the movements to Ukrainian armed forces.

We will make such evidence also available to international investigators and as an appendix to this report. We also submitting some photographs from the mutilated bodies, which I would not like to make public in this video stream but are available to members of the committee.

The Russian invasion in Ukraine has only lasted 19 days, but has already caused thousands of civilian casualties through Russia's indiscriminate use of old-fashioned but powerful dumb bombs, the use of cluster munitions to target residential areas, the shelling of towns with imprecise multi-rocket launch systems, and the targeted killings of civilians by at least certain parts of the invading forces.

Investigating these potential war crimes will take years. However, an early awareness of normative of civilian casualties is the only way to engage the international community to pressure Russia's authorities into stopping this cruel war.

Bellingcat will continue to validate and make public each reported instance of harm to civilians, and to this goal today we're launching a special civilian harm tracking website at [Ukraine.bellingcat.com](http://Ukraine.bellingcat.com), where everybody can trace the civilian harm in real time.

Thank you very much, Chairman, and I'm available for any questions from the members of the committee.

[The prepared statement of Mr. Grozev follows:]

Bellingcat was established in 2014 as a global, collaborative platform for investigations based on open-source data. Over the last 7 years, our researchers have scoured through tens of thousands of images and videos from war-torn countries, including Syria, Ukraine, and Yemen. Our main focus has been to verify, through methods such as geolocation, chronolocation and contextual research, visual evidence of the use of weapons – whether conventional and chemical – against civilians. Evidence gathered and verified by Bellingcat has already served as basis for prosecutorial investigations in the case of the shooting down of Malaysian airliner MH17, and in the killing of a Georgian asylum-seeker in Berlin in 2019. Using the war in Yemen as a test case, we developed a robust methodology of verification, preservation of chain of custody, investigation and archiving of incidents of harm caused to civilians. These methods were tested thoroughly and deemed acceptable for use in courts by an English common law judge.

With Russia's invasion of Ukraine on 24 February this year, Bellingcat directed all of its resources to gathering, verifying and preserving evidence of harm to civilians in the conflict. We engaged the same verification methods previously tested in the Yemen case. These include a robust system of evidence gathering by a dedicated team that is firewalled from Bellingcat's editorial team, to ensure the integrity of the evidence and to avoid any potential bias in data gathering. Each reported incident is logged, validated, described and archived, with attribution of weaponry used and origin of attack being added to each case wherever possible to determine through open-source means. The purpose of this evidence gathering is to provide a dataset of pre-validated incidents of civilian harm to judicial bodies that will likely investigate cases of war crimes – such as the ICC, and prosecutors of individual countries invoking universal jurisdiction on war crimes – such as Germany, Spain, and likely the Netherlands. The goal of this project is not to replace the investigative procedures to be run by these bodies, but to speed up the process of verification – and in turn to significantly shorten the time to serving justice to the victims and their families.

In just 19 days of war, Bellingcat has recorded more than 350 incidents that caused harm to civilians. Of these, just over 10% appear to be egregious cases of violations of the laws of war, with unwarranted targeting of residential buildings, and in some cases even hospitals and maternity wards, and with indiscriminate use of inhumane munitions – such as cluster bombs - in or near residential areas. While Bellingcat has not completed the process of attribution of origin of attack, most of these attacks appear plausibly attributable to the Russian side of the conflict. (In some of the cases, the Russian government has even unapologetically taken credit for the attacks on civilians.)

Under the time constraint of this testimony, I will focus on just five of the most egregious cases of civilian harm that have been verified and archive by us:

1. The intentional missile strike of Mariupol's maternity hospital on 9 March 2022. Many of you have seen the haunting images of the aftermath of the strike, which left X dead and XX wounded - surreally, further casualties were prevented as the Russian government had indicated the previous day that its forces planned to strike a maternity hospital in Mariupol under the unsubstantiated claim that it served as a recruiting station for a Ukrainian volunteer battalion.

Verified video:

[https://twitter.com/OlenaIvantsiv/status/1501603358687256581?s=20&t=8f1TR\\_TwqB1pp4Kkmarmbg](https://twitter.com/OlenaIvantsiv/status/1501603358687256581?s=20&t=8f1TR_TwqB1pp4Kkmarmbg)

2. The airstrike on Chernihiv residential areas on 3 March 2022. At least 8 dumb bombs causing indiscriminate and uncontrollable death were dropped into the middle of a residential area, killing about 50 people.  
Verified video: <https://twitter.com/TWMCLtd/status/1499349949158416384>
3. The strike on Kyiv TV tower on 1 March 2022 which also killed three civilians and hit the nearby holocaust memorial.  
Verified video [https://www.youtube.com/watch?v=ovmPJ01m\\_jk](https://www.youtube.com/watch?v=ovmPJ01m_jk)
4. Air strike in Kharkiv on 1 March 2022 which may have been targeting an industrial area, but hit a residential block of flats, killing dozens of civilians  
Verified video: <https://twitter.com/clashreport/status/1500377845675311105>
5. Widespread use of cluster munitions, especially in Kharkiv, which have repeatedly impacted civilian areas. Countless civilian casualties, all foreseeable when using cluster munitions near residential areas.  
Verified video:  
<https://twitter.com/EmmettLesterSan/status/1499444045164138501?s=20&t=tobBaKGYkLF2Br2cClyorw>

These are only five of the nearly 40 cases of indiscriminate – or intentional targeting of residential areas that has caused multiple civilian casualties (we are attacking the full list of incidents tracked by Bellingcat up to this moment). We believe many of these will likely be investigated as possible war crimes.

However, not all potential war crimes are easily captured on camera and uploaded to social media by first-hand witnesses. We have also received private videos and photographs, as well as direct witness reports, parts of which we have been able to verify, that may likely constitute war crimes. These include photographs of bodies of civilians with clearly visible signs of torture and mutilation, which were geolocated and timestamped to areas and times where troops from the *Spetsnaz* units of Chechnya's leader Ramzan Kadyrov had been located. These photographs were made available directly to Bellingcat by witnesses who could not upload them to social media for fear of being tracked down and reprisals. In other cases, witnesses interviewed by us told of intentional killings by members of these same Chechen units of civilians of villages who had seen the route of these armed units - likely in order to eliminate witnesses who might report such movements to Ukrainian armed forces. We will make such evidence also available to international investigators.

The Russian invasion in Ukraine has only lasted 19 days but has already caused thousands of civilian casualties – through Russia's indiscriminate use of old-fashioned but powerful dumb bombs, the use of cluster munitions to target residential areas, the shelling of towns with imprecise MRLS missiles, and the targeted killings of civilians by at least certain parts of the the invading forces. Investigating these potential war crimes will take years. However an early awareness of the enormity of the civilian casualties is the only way to engage the international community to pressure Russia's authorities into stopping this cruel war. Bellingcat will continue to validate and make public each reported instance of harm to civilians, and has launched today a special civilian-harm tracking website, at <http://ukraine.bellingcat.com>

Date	Location	Narrative	Type of area affected	Private Information Visible	Weapon System
24/02/2022	Chuhuiv, south of Kharkiv	Apartment block hit. Center is very large, possibly crane or balcony mezzanine as part of attack on nearby airport. Appear to have been multiple civilian casualties, AA Agency reporting 1 x fatality 13 x wounded	Residential	No	Unknown
24/02/2022	Uman	Civilians hit by what appears to have been artillery, possibly a rocket. Appears to have been at least one fatality, possibly a child	Commercial	No	Air strike
24/02/2022	Kyiv	Explosion in central Kyiv, nothing further yet			
24/02/2022	Vuhachur	Large crater in what appears to be residential area	Healthcare	No	Cluster munitions
24/02/2022	Adzisa	Civilian homes hit by artillery. No reports of casualties yet	Residential	No	Unknown
24/02/2022	Odessa	Reports of civilian casualties in artillery strikes			
24/02/2022	Semihailivka-Hencheev	Cooper or a child wrapped in a blanket near the roadblock in Novoselivka, Odessa. Russian says it's Omsk. Later language that the child was killed by a bomb in Semihailivka	Undefined	No	Unknown
24/02/2022	Mangop	Civilian homes hit by artillery	Residential	No	Unknown
24/02/2022	Mariupol (Mariupol/Marioupol)	A civilian casualty from an explosion	Residential	No	Unknown
24/02/2022	Chornobyl city	Artillery fire on what appears to be an urban area	Residential	No	Unknown
24/02/2022	Arhtyrka, Sviyty Oblast	Civilian buildings damaged and destroyed by shelling	Commercial	No	Unknown
24/02/2022	Horone	Missile strike by airplane strike a Ukrainian Mi-28 on residential building	Undefined	No	Air strike
24/02/2022	Kievsky district of Donetsk	Apparent strike on hospital in separated, bad area	Healthcare	No	Unknown
25/02/2022	Starobolsk, Luhansk	Damage to residential area, one civilian reported dead. Image appears to show damage to a school	School or childcare	No	Unknown
25/02/2022	PSHMANY, Kyiv	Apartment building on fire, three people reported injured	Residential	No	Unknown
25/02/2022	Ukraine	Damage to an apartment building	Residential	Yes	Unknown
25/02/2022	Obolon, Kyiv	Military vehicle runs over a civilian vehicle. It's unclear whether the car appears to have survived. Unclear which country the military vehicle belongs to	Undefined	Yes	Vehicle mounted weapon
25/02/2022	Kyiv	Report rocket explosion in a street in center crossing	Residential	No	Cluster munitions
25/02/2022	Kharkiv	Another weapon mounted onto possible from a BM-30 rocket in another area of Kharkiv	Residential	No	Cluster munitions
25/02/2022	Kharkiv or vicinity	Ukrainian tanks, alongside struck by Russian rockets	Undefined	Yes	Small arms
25/02/2022	Bozha, Kyiv vicinity	Rocket motor embedded in pavement in residential area	Residential	No	Crude missile
25/02/2022	Kyiv	Smoke rising from a residential building on Victory Avenue, accompanying text suggests smoke is the result of fire and a fire strike	Residential	No	Small arms
25/02/2022	Ukraine	Russian or Ukrainian speaking men in a vehicle come under fire as they approach a roadblock	Undefined	No	Small arms
25/02/2022	Odlyzka, Sviyty Oblast	Alleged kindergarten hit by missile/artillery	School or childcare	No	Cluster munitions
25/02/2022	Vozna, Kyiv Oblast	Text report of a Russian strike on an orphanage near Kyiv, no accompanying images	School or childcare	No	Unknown
25/02/2022	Kyiv	At least three civilians killed while driving in a vehicle on Kholivshchyna Street, Kyiv. Civilians were allegedly mistaken for Russian infiltrators	Undefined	Yes	Unknown
25/02/2022	Kharkiv	Residential building burning, signs of explosive damage	Residential	No	Unknown
25/02/2022	Medon	Video of burned-out building. Accompanying text indicates it was the central market	Commercial	No	Unknown
25/02/2022	Kharkiv	Civilian vehicle comes under fire while driving down a highway	Undefined	Yes	Small arms
25/02/2022	Votrovaika, Donetsk Oblast	At least one civilian killed, damage to residential building, possibly from artillery/missile strikes	Residential	No	Unknown
25/02/2022	Kharkiv	Artillery (MLRS) strike on a residential area	Residential	Yes	HE rocket artillery
25/02/2022	Melitsopol, Zaporizhzhia Oblast	Hospital and adjacent building comes under small arms fire	Healthcare	No	Small arms
25/02/2022	Bozha, Kyiv vicinity	Civilian vehicles riddled with bullets, one civilian receiving care at the site of a vehicle	Commercial	Yes	Small arms
25/02/2022	Ispos, Kyiv vicinity	Residential building damaged by rocket/mortar	Residential	No	Unknown
25/02/2022	Kharkiv, Trudolova Street	Residential building and civilian vehicles damaged by missile/artillery strike	Residential	No	Cluster munitions
25/02/2022	Chernyavka area of Kharkiv	MLRS damage in the middle of an intersection in a residential/business area	Commercial	No	HE rocket artillery
25/02/2022	Votrovaika, Donetsk Oblast	Individual killed by artillery fire	Residential	No	Unknown
25/02/2022	Votrovaika, Donetsk Oblast	Individual killed in what appears to be an artillery strike. Their body is visible in the building	Residential	No	Unknown
25/02/2022	Near Kharkiv	Civilian casualty inside bullet-ridden vehicle	Undefined	No	Small arms
25/02/2022	Horone	Damage caused by a "voochok" (sonar) to a residential building	Commercial	No	Unknown
25/02/2022	Kyiv	Residential building hit by missile	Residential	No	Unknown

28002022	Chernihiv	Apartment building on fire, three people reported injured	Residential	No	Unknown
28002021	East Ukraine	Residential area destroyed after artillery strike. At least one family victim.	Residential	Yes	HE rocket artillery
28002021	Kharkiv	Shot fire near a residential apartment	Residential	Yes	Unknown
28002022	Kherson	Missile on missile civilian ambulance, claimed 2 civilian fatalities and one civilian injury.	Healthcare	Yes	Unknown
28002021	Donetsk	Civilians killed in missile/artillery strike	Residential	No	Unknown
28002021	Manus	Report of 10 struck civilians killed in Russian strikes	Unclassified	No	Unknown
28002022	Kyiv	Ukrainian state emergency service reports that a short-inspected fire village of Sviatopetrivka near Kyiv, killing at least three people.	Residential	No	Unknown
28002022	Kharkiv region	Residential building on fire near Kharkiv, no reported casualties.	Residential	No	Unknown
28002022	Suhly region	Residential area on fire in Suhly region, unknown how many casualties.	Residential	No	Unknown
28002022	Mikolajiv	Partial seizure of civilian vehicle, shots fired at other civilians.	Residential	No	Small arms
28002022	Kyiv	Missile under fire, possibly civilian.	Unclassified	No	Small arms
28002021	Odessa	Children's hospital hit by artillery	Healthcare	No	HE rocket artillery
28002022	Zakarpattia, or Rivne	Civilian building damaged by explosion	Residential	No	Unknown
28002022		Bus came under fire, multiple civilian fatalities.	Unclassified	No	Small arms
27002021	Kyiv	Family, including 3 children, shot in car on Ukraine 1 bridge street in Kyiv.	Unclassified	No	Small arms
27002021	North Kharkov	Artillery firing from residential area.	Residential	No	Unknown
27002021	Suhly	3 Danish journalists shot.	Unclassified	No	Small arms
27002021	Donetsk	Alleged Russian soldiers looting a supermarket.	Commercial	No	Unknown
27002021	Kherson	Alleged Russian soldiers seizing a store from a bank.	Commercial	No	Unknown
28002021	Ukraine, Chernobyl zone	Parent and child reportedly killed by Russian troops.	Unclassified	Yes	Unknown
28002022	Zakarpattia, Kherson region	Civilian journalist Olexandra Shalunov reportedly killed by Russian troops.	Residential	No	Unknown
27002021	Kharkiv	Shooting on fire, unknown if any casualties.	Unclassified	No	Unknown
27002021	North Kharkov, Kherson	Family in car shot and killed, allegedly by Russian soldiers.	Unclassified	Yes	Small arms
27002021	Chernihiv	Shooting in urban area destroyed with shot may be ballistic missile.	Commercial	No	Unknown
27002021	Chernihiv	Residential area damaged by what may be ballistic missile, large crater.	Residential	No	Unknown
27002021	Mykolaiv	Damage to residential building after shelling.	Residential	No	Unknown
27002021	Kyiv	Damage to residential houses after shelling.	Residential	No	Unknown
27002021	Zhoryn	Missile strike on Zhoryn International Airport, unknown if any casualties.	Commercial	No	Unknown
28002021	Kyiv	Child killed in attack on Kyiv	Unclassified	No	Unknown
28002021	Lviv/Cherniv, Lviv/Cherniv Region	Damage to bridge struck from aircraft.	Highway	No	Unknown
28002021	IPRS	Dead civilian, widespread damage to residential area.	Residential	No	Small arms
28002021	Belgorodskoye near Kharkiv	Residential building damaged by explosion.	Residential	No	Unknown
28002021	Kyiv near Kyiv	Damage to residential building.	Residential	No	Unknown
28002021	Kharkiv	Cluster munition terminal embedded on residential street.	Residential	No	Cluster munitions
28002021	Slobidska Dorf/Dorf, Kharkiv	Two civilian fatalities on the street, allegedly killed by shelling.	Residential	No	Unknown
28002021	Kyiv	HE RS damage on commercial area.	Commercial	No	HE rocket artillery
27002021	Volynskia	OHU department of hospital hit by what appears to have been artillery.	Healthcare	No	Unknown
28002021	Kharkiv	HE RS strike in center of civilian residential area.	Commercial	No	HE rocket artillery
27002021	Kharkiv	Widespread damage in what appears to be civilian area.	Military	No	Unknown
28002021	Kharkiv, Ukrainianska Street	Apartment building damaged.	Residential	No	Cluster munitions
28002022	Kharkiv	Cluster missile struck with apparently unexploded leg due to impact of rocket motor, later reported that she died.	Residential	Yes	Cluster munitions
28002021	Kharkiv	Artillery strike on Kharkiv, multiple civilian casualties. Possibly Topovoziv.	Residential	No	Unknown
28002021	Horodok, Horodok	Damage from artillery fire in Horodok.	Residential	No	Unknown
28002021	Novoselivskyy, Luhansk region	Extensive fire damage to residential buildings after shelling.	Residential	No	Unknown
28002021	Kharkiv	HE RS strike on residential area in Kharkiv.	Residential	No	HE rocket artillery
28002021	Kharkiv	HE RS strike on residential area in Kharkiv.	Residential	No	Cluster munitions
28002021	Kharkiv	Cluster munition inside residential building, reportedly Kharkiv.	Residential	No	Cluster munitions
28002021	Kharkiv	Civilian fatalities on the street.	Residential	No	Unknown
28002021	Kharkiv	Smoke from M-80 strike, away north side of Kharkiv.	Residential	Yes	Unknown

27020202	Kharkiv	Rocket motor impacted inside civilian apartment	Residential	No	Cluster munitions
27020202	Kharkiv, Kyiv Oblast	Container and logs stuck in shooting incident in vehicle outside trainway. Second source indicates shooting itself	Undefined	No	Small arms
28020202	Kharkiv	Munition remnant embedded in pavement	Residential	No	Cluster munitions
29020202	Starobisk	Civilian areas shelled, many residential buildings destroyed	Residential	No	Unknown
30020202	Kharkiv	Damage to category reported to Kyiv	Residential	No	Unknown
30020202	Kharkiv, Chernihiv Region	Civilian taken from military inside residential home	Residential	No	Unknown
30020202	Kharkiv	Clear warning of cluster munition strike on South East side of city	Residential	No	Cluster munitions
30020202	Polovkyvka, near Starobisk	Residential injured by shelling, ambulance response	Residential	No	Unknown
30020202	Serhiivka	Residential buildings destroyed by shelling	Residential	No	Unknown
30020202	Lysychansk, Lugansk Region	Residential buildings destroyed by shelling	Residential	No	Unknown
30020202	Yehorivka	Residential buildings burnt and destroyed	Residential	No	Unknown
30020202	Village of Buzova near Kyiv	claim that maternity hospital was damaged by shelling	Residential	No	Unknown
130202	Mykolaiv	Missile strike for city administration, water treatment	Administrative	No	Crack missile
130202	Mezhybot	Tosha missile motor hit on top of a house	Residential	No	Ballistic missile
130202	Kyiv	civilian vehicles, residential building damaged in shelling	Residential	Yes	Unknown
130202	Kharkiv	person with epileptic seizure has bleeding in the forehead regional hotel building, one of them a child	Administrative	No	Unknown
130202	Kharkiv	Strike on a residential building, four people reported injured	Residential	Yes	Unknown
30020202	Mariupol, Kyiv	Shelly civilian man killed in vehicle	Residential	No	Vehicle mounted weapon
30020202	Saltovka, Kharkiv	Missile exploded on the highway. reportedly one pedestrian died	Residential	Yes	Unknown
30020202	Kyiv	Missile hitting a civilian building in Kyiv	Residential	No	Unknown
30020202	Kyiv	Missile struck a civilian building	Residential	No	Unknown
30020202	Voznyi, Kyiv Oblast	residential building hit by strike	Residential	No	Unknown
30020202	Vynnyk, Kyiv Oblast	private technical college heavily damaged by a rocket strike	School or childcare	No	Unknown
27020202	Vynnyk, Kyiv Oblast	residential building damaged, reportedly by a rocket strike	Residential	No	Unknown
27020202	Vynnyk, Kyiv Oblast	object of civilian living and their dogs allegedly killed by Russian soldiers	School or childcare	No	Unknown
27020202	Veselyi Zakhidnyy, North Chernihiv, Western Ukraine	Private house and outbuildings damaged by a reconnaissance drone that was shot down.	Residential	No	Unknown
28020202	Kharkiv, Pavlova Pole district, ZSRO, Serhiivka St	Three civilians reportedly killed by an MLRS strike	Residential	No	Unknown
28020202	Kharkiv, Strykivskaya St (Kochkivska St.), 197	MLRS missile landed in the yard of a block of flats building in Kharkiv, causing civilian casualties	Residential	No	Unknown
30020202	Kharkiv, Kochkivska St, 208	family's vehicle burned in car, reportedly after military strike in Ukraine	Residential	No	Unknown
30020202	Kharkiv, August 29 district	MLRS strike of the city district "August 29" in Kharkiv.	Residential	No	HE rocket artillery
28020202	Kharkiv, Kyiv Oblast	Local History Museum in the village Iankiv being burned out	Undefined	No	Unknown
28020202	Kharkiv, Square in Ukraine of Ukraine, 3 district "Kmyi Runok"	Cluster munition remnant embedded on residential street	Residential	No	Cluster munitions
28020202	Kharkiv, Dzerzhynskaya Street, 19	rocket motor explosion near civilian apartment	Residential	Yes	Cluster munitions
27020202	Kharkiv, Bushyly St. 40A	Primary school struck or hit in Kharkiv, Salskaya district. At least one individual was reported to be killed	Residential	No	Unknown
130202	Michoniv village, Odessa Region	civilian houses shelled	Residential	No	Unknown
130202		Missile remnant damages roof of civilian house			
130202		Missile hit on apartment building			
130202	Kherson	School No. 24 struck in Kherson.	School or childcare	No	Unknown
130202	Kharkiv	Shelling of residential building on Horodivarskyi	Residential	No	Unknown
130202	Kherson	Shelling in Russian uniform shot a supermarket.	Commercial	No	Unknown
130202	Kyiv, Sototskaya	Soldiers in Russian uniform appear to shoot at person filming them.	Undefined	No	Small arms
130202	Kyiv, Sototskaya	Widespread and significant damage to residential area	Residential	No	Unknown
28020202	Marupol	HEB responsive precision-guided missile hit the roof of an apartment, who was later reported to have died	Undefined	No	Unknown

1/3/2022	Kharkiv	Widespread strike damage and civilian fatalities on the street. Dashcamera footage captures moment of strike including exact time. Reportedly an ambulance impacted a residential area, but a hospital is close.	Residential	No	Unknown
1/3/2022	Kharkiv	Building located in the Kharkiv state motor manufacturing company complex. What they're not a hospital. Entrance to nearby underground entrance also damaged.	Industrial	No	Unknown
1/3/2022	Kharkiv	Strike on residential area, allegedly contains killed (graphic warning, bodies)	Residential	No	Air strike
1/3/2022	Kyiv	Three collapse killed in strike near Kyiv TV tower (graphic warning, bodies)	Residential	No	Vehicle mounted weapon
1/3/2022	Donetsk	Large crane fire on residential housing.	Residential	No	Cluster munitions
1/3/2022	Marupel	100mz ballistic missile strike with 6M4 scooters on residential area near playground and school.	Residential	No	Cluster munitions
1/3/2022	Kharkiv	What appears to be a cluster munition strike at night.	Unidentified	No	Cluster munitions
2/3/2022	Kharkiv	Headquarters of the national police and security service of Ukraine, and the building of the Faculty of Economics of Kharkiv National University, suffered significant damage and was set on fire after strike.	Administrative	No	Unknown
2/3/2022	Izium, Kyiv region	Large damage to residential area.	Residential	No	Unknown
1/3/2022	Kharkiv	Dead civilians in a forest, allegedly shot by Russian soldiers while making Molotov cocktails.	Unidentified	No	Vehicle mounted weapon
1/3/2022	Kyiv	Russian army air strike on Kyiv TV Center tower and facilities.	Residential	No	Unknown
2/3/2022	Kharkiv	Primary school area in Kharkiv video.	School or childcare	No	Unknown
2/3/2022	Kharkiv	Headquarters of the national police and security service of Ukraine, and the building of the Faculty of Economics of Kharkiv National University are on fire aftermath the strike.	School or childcare	No	Unknown
2/3/2022	Kharkiv	Primary school #119 in Kharkiv suffered damage from a strike.	School or childcare	No	Unknown
2/3/2022	Kharkiv	Strike in what appear to be a residential area.	Unidentified	No	Unknown
2/3/2022	Kharkiv	Strike in residential area.	Residential	No	Unknown
1/3/2022	Kharkiv	What appears to be site of cluster munitions at night.	Unidentified	No	Cluster munitions
2/3/2022	Kharkiv	Economics department of Kharkiv National University fire, strike causing reportedly on the other side of the street was triggered.	Unidentified	No	Unknown
1/3/2022	Kharkiv	Allegedly a hospital & residential buildings hit by strike.	Yes		
2/3/2022	Kharkiv	Reportedly a school fire, appears to have been struck fire.	Unidentified	No	Unknown
2/3/2022	Lysyivsk	Strike on bus stop.	Commercial	No	Unknown
2/3/2022	Lysyivsk	Strike on brewery. Likely a ballistic missile.	Industrial	No	Unknown
2/3/2022	Donetsk	Strike on what appears to be a residential area.	Residential	No	Unknown
2/3/2022	Kharkiv	Strike in what appears to be a civilian area, possibly near city council.	Administrative	No	Unknown
2/3/2022	Kharkiv	Strike on Kharkiv city council.	Administrative	No	Unknown
2/3/2022	Kharkiv	Explosion impact in Kharkiv school IT.	School or childcare	No	Unknown
2/3/2022	Severodonetsk	Damage to a kindergarten building.	School or childcare	No	Unknown
2/3/2022	Kharkiv	Video shows jet firing in civilian area in Ukraine.	Residential	Yes	Air strike
2/3/2022	Horivka, Donetsk region	Reportedly, fire caused was caused by a strike in an primary strike in Horivka, Ukraine.	Residential	No	HE rocket battery
2/3/2022	Mova, Karlovyk, Kherson	MCRB firing.	Unidentified	No	HE rocket battery
2/3/2022	Kyiv	Assault on an individual in civilian clothing by armed men on Myshkivskyi prospekt in Kyiv.	Residential	Yes	Unknown
2/3/2022	Enerгодар, Zaporizhzhya region	Explosion proper, missile launch, possibly a rocket, possibly a missile, appears to have been a civilian.	Unidentified	No	Unknown
2/3/2022	Adveeka, Donetsk	Strike on large warehouse and office, civilian establishments in residential area, toilet or manufacturing appears to be 2016, after Russia stopped selling weapons to Ukraine.	Residential	No	Cluster munitions
2/3/2022	Popasna	Artillery strike on residential area.	Residential	No	HE rocket battery
2/3/2022	Izium, Kharkiv region	Residential area damaged in bombing.	Residential	No	Unknown
2/3/2022	Izium	Widespread damage to civilian buildings.	Residential	Yes	Unknown
2/3/2022	Kharkiv, (residential area)	Widespread damage to civilian buildings.	Residential	No	Unknown
2/3/2022	Izium, (residential area)	Large residential building destroyed in bombing/bombing.	Residential	No	Unknown
2/3/2022	Kharkiv	Widespread damage to civilian buildings and streets in bombing/bombing.	Commercial	No	Unknown
2/3/2022	Kharkiv	Artillery strike destroyed in bombing.	School or childcare	No	Unknown
2/3/2022	Bezhary, Kharkiv oblast	Abandoned armoured vehicles and a persons body.	Unidentified	No	Small arms
2/3/2022	Severodonetsk	Kindergarten shelter in Severodonetsk.	School or childcare	No	Unknown

25/002	Kharkiv	Video tour of a bombed hospital	Residential	No	
25/002	—	Aftermath of shelling of a residential area, civilian casualties	Residential	No	
25/002	Kharkiv	Proposed school for blind children bombed in Kharkiv	School or childcare	No	Unknown
25/002	Ipin	Shelled residential area in Ipin	Residential	No	
25/002	Kharkiv	Damage of residential buildings	Residential	No	
25/002	Kharkiv	Aftermath of shelling in residential area in Kharkiv	Residential	No	
25/002	Izium	Kharkiv oblast	Residential	No	
25/002	Manjupol	Wrecked residential area in Kharkiv	Residential	No	
25/002	Manjupol	Shipping center and warehouse burning	Commercial	No	Unknown
25/002	Lvivivka	Damage to residential buildings in ITC Mariupol	Residential	No	Unknown
25/002	Ushiv, near Kyiv	Home damaged by bombing/shelling	Residential	No	
25/002	Chernihiv	Two schools and residential buildings struck, Governor Chus reported nine deaths	School or childcare	Yes	Air strike
25/002	Chernihiv	Massive damage of three residential/commercial street	Residential	No	
25/002	Manjupol	Damage to what appears to be residential area	Residential	No	Unknown
25/002	Chernihiv	Residential building destroyed in air raid, video shows that a pharmacy has also been hit. Multiple windows observed in the air in dashcam source, civilian casualties visible at the end of the video	Residential	No	Air strike
25/002	Kyiv	Wreck on what appears to be a residential area. Area of impact close to airport	Residential	No	HE rocket artillery
25/002	Botovatka	Collateral damage to what appears to be a residential building	Residential	No	Unknown
24/02/2022	Kiev, Dorelik	Remnants of a missile at an air base	Residential	No	Artillery missile
25/002	Kharkiv	Warrior, Kharkiv sniper robot in Lviv	Unconfirmed	Yes	Air strike
25/002	Kharkiv	PAF shot, an dropper plane bomber reportedly impacted house, reportedly same incident as 20/01/22, however firecam source indicates this was a fact in Karkivka in Kyiv	Residential	No	Air strike
25/002	Kharkiv	Cluster munition strike in residential area of Kharkiv near to the airport	Residential	No	Cluster munitions
25/002	Kharkiv	Aftermath of an attack on a car park in a residential area	Residential	No	Unknown
43/002	Zhytomyr	Building destroyed in shelling, including heavy damage to a school	School or childcare	No	Unknown
43/002	Izium	Damage to park and surrounding area	Residential	No	Unknown
43/002	Zelinka, Odessa Region	HEB-CU, an S-300/SA-200 cluster munition remains also multiple other PAF-104 in residential area. Reportedly an RBK 250 also recovered (source 2)	Residential	No	Cluster munitions
43/002	Kharkiv	Heavy damage, many non-casualty to administrative area	Administrative	No	Unknown
43/002	Sverdlovsk	Heavy damage to local tourism centre (which hosts events for children) and surrounding civilian buildings	School or childcare	Yes	Unknown
43/002	Markivka, Kyiv Region	Residential buildings destroyed by shelling, five civilians dead (inc. three children)	Residential	No	Unknown
43/002	Pluchina Slobidska, Kharkiv	Damage to residential buildings by explosive weapon	Residential	No	Unknown
43/002	Manjupol	Damage to residential & commercial areas	Unconfirmed	No	Unknown
43/002	Kharkiv	Report of shelling of residential area	Residential	No	Unknown
43/002	Holodom, Kyiv	Residential block reportedly struck by what appears to be a direct fire weapon	Residential	Yes	Unknown
43/002	Boh Hrivna, Kyiv Region	Artillery reported to have been damaged by a strike, as well as further casualties	Residential	No	Unknown
43/002	Novosadov, Luhansk Region	Civilian shot in leg at reported protest	Unconfirmed	No	Artillery strike
43/002	Sverdlovsk	Damage to central city library	Administrative	No	Unknown
43/002	Kharkiv	Provisionally marked in Kharkiv destroyed	Commercial	No	Unknown
5/02/2022	Korosten, Zhytomyr region	Highspeed damage to residential buildings in village, allegedly 1 person killed. Very large crater	Residential	No	Unknown
5/02/2022	Zolotevka	School (r) damaged in bombing/shelling	School or childcare	No	Unknown
6/02/2022	Kharkiv	Unexploded rocket and rocket shrapnel on a lot or contains queuing outside a supermarket. Multiple small impacts indicate cluster munitions	Commercial	No	Cluster munitions
19/02/2022	Kharkiv	Massive damage of strike on warehouse near residential area, impacting vehicle fitting	Residential	No	Unknown
22/02/2022	Vynnytsia	Strike on Vynnytsia International Airport	Unconfirmed	No	Cluster missile
5/02/2022	Lysyivsk	Extensive damage to a kindergarten	Residential	No	Unknown
6/02/2022	Izium, Kyiv region	Artillery, rockets / three members of a family or four reportedly killed by strike in corridor being used by civilians. Crater visible in some videos	Residential	No	HE tube artillery
6/02/2022	Selivka, Kharkiv	Kindergarten and playground damaged in bombing/shelling	School or childcare	No	Unknown

6/30/2022	Sabovka, Kharkiv	Residential buildings on fire due to bombings/shelling	Residential	No	Unknown
6/30/2022	Chernihiv, Zhytomyr region	Extensive damage to houses from a series of rocket missiles fired in the area at 10:20 AM on the 30th. Significant crater. Air military base approx 200m away at 51.138179, 28.800817.	Residential	No	Unknown
6/30/2022	Kharkiv, Mykhailiv District	What appears to have been an artillery strike on a residential area.	Residential	No	Unknown
6/30/2022	Sabovka, Kharkiv	Residential building on the main street appears to be explosion damage.	Residential	No	Unknown
6/30/2022	Sabovka, Kharkiv	Damage to residential housing, "explosion after impact" appears to be VVO rocket, see 6/30/22 or elsewhere with similar buildings bordering the "squares"	Residential	No	Unknown
6/30/2022	Sabovka, Kharkiv	Collateral damage to residential building, reportedly after strikes.	Residential	No	Unknown
6/30/2022	BBDK, Kyiv region	Woznesenska Reservoir church damaged by strike.	Religious	No	Unknown
6/30/2022	Kramatorsk	Residential building hit by missile. Two reported dead.	Residential	No	Unknown
6/30/2022	Hostomel/Bucha	Extremely graphic video of rocket explosion shows a woman and a man shot, apparently dead, inside a civilian vehicle.	Unclassified	Yes	Small arms
6/30/2022	Kharkiv	Residential building hit by explosion.	Residential	No	Unknown
7/5/2022	Lviv	Residential buildings hit by explosion.	Residential	No	Unknown
7/5/2022	Mirnyyev	Residential buildings damaged, on fire due to explosion (possibly same event as CIV221)	Residential	No	Unknown
7/5/2022	Kharkiv	Residential building destroyed by explosion. Dead civilians in rubble.	Residential	No	Unknown
7/5/2022	Mirnyyev	Residential buildings damaged by explosion.	Residential	No	Unknown
7/5/2022	Mirnyyev	Residential buildings damaged by explosion.	Residential	No	Unknown
7/5/2022	Mirnyyev	Residential buildings damaged by explosion. Large explosion crater in playground.	Residential	No	Unknown
7/5/2022	Kharkiv	Residential buildings, vehicles destroyed by explosion.	Residential	No	Unknown
7/5/2022	Mirnyyev	Residential buildings damaged by explosion.	Residential	No	Unknown
7/5/2022	Kharkiv	Shopping centre destroyed by explosion.	Commercial	No	Unknown
7/5/2022	Zaporozhnia Region	Russian tank attacked on the road between Yemirovka and Novotroitska, two Ukrainian women killed (graphic, but blurred image of corpses from local news agency).	Administrative	No	Vehicle mounted weapon
7/5/2022	---	Large collage of large mammals and several robots embedded in debris, including new image of Russian helmet embedded in civilian vehicle.	Residential	No	Cluster munitions
7/5/2022	Zarvoryk, Kyiv vicinity	A cluster on fire after reportedly being struck by artillery.	Religious	No	Unknown
7/5/2022	Kharkiv	Rocket motor for MLRS launched cluster munitions on the street in Kharkiv.	Residential	No	Cluster munitions
7/5/2022	Kharkiv	Residential neighborhood destroyed by shelling.	Residential	No	Unknown
7/5/2022	Kharkiv	Rocket motor for cluster munitions in park path in Kharkiv.	Unclassified	No	Cluster munitions
7/5/2022	Kharkiv	Victim reported minor air strike in Kharkiv.	Administrative	No	Unknown
7/5/2022	Kharkiv	Constant bombing hit by shelling in Kharkiv.	Residential	No	Unknown
7/5/2022	Berdyuzhka, Kyiv	Ukraine footage showing residential buildings after bombing.	Residential	No	Unknown
7/5/2022	Kharkiv, 20th Microdistrict	Several casualties after shelling in Kharkiv.	Residential	No	Unknown
7/5/2022	Velika Danylivka, Kharkiv	Home destroyed in Kharkiv suburbs.	Residential	No	Unknown
7/5/2022	Horodshchynka, Kharkiv District	Primary school destroyed in Horodshchynka, Kharkiv.	School or childcare	No	Unknown
7/5/2022	Velika Danylivka, Kharkiv	Primary school and a nearby kindergarten near destroyed by shelling.	School or childcare	No	Unknown
7/5/2022	Kharkiv, Sakhivka District	Block of flats on fire due to explosion.	Residential	No	Unknown
7/5/2022	Kharkiv	Block of flats on fire due to explosion.	Residential	No	Unknown
7/5/2022	Kharkiv, Kyiv District	Extensive destruction after shelling in explosion.	Administrative	No	Unknown
7/5/2022	Novoselivka, Luhansk	Artillery shot and explosion in Novoselivka.	Residential	No	Small arms
7/5/2022	Izium	Residential building inspected by projectiles.	Residential	No	Unknown
4/3/2022	Izium	Residential apartment buildings in Izium being shelled, 5 shells on one building and 1 on another.	Residential	No	Unknown
4/3/2022	Izium	Damage, reportedly from artillery and fire at the University of the State Fiscal Service of Ukraine.	School or childcare	No	Unknown
4/3/2022	Izium	Residential complex "Lermontovskiy" on Truhmenivska Street damaged by multiple projectiles.	Residential	No	Unknown
4/3/2022	Izium	Residential apartment complex on Miroslavivka Street damaged by projectile.	Residential	No	Unknown
4/3/2022	Enevidor, Zaporozhnia oblast	Minor damage and casualties inside office of Zaporozhnia Nuclear Power Station being evacuated.	Industrial	No	Vehicle mounted weapon
5/30/2022	Izium, Kyiv oblast	People are hiding under the bridge during evacuation in Izium.	Residential	No	Unknown

45/0002	Harkivshchyna, Kyiv oblast	Civilian killed in vehicle	Undefined	No	Vehicle mounted weapon
63/0002	Kharkiv, New Bavaria district	Arbiter in Kharkiv, New Bavaria district. Source 1: The moment of explosion. Source 2: video recorded after the fact.	Residential	No	Unknown
65/0002	Buzova, Kyiv oblast	School damaged in explosion.	School or childcare	No	Unknown
65/0002	Kharkiv, Besedynskiy tsv	Rocket motor for cluster munition embedded on a playground in Kharkiv.	Residential	No	Cluster munitions
65/0002	Kyivob	Concrete tower and adjacent building damaged in explosion.	Administrative	No	Unknown
65/0002	Miastko, North Slobianka	Neutralization of a stock of IEDs in Kharkiv.	Residential	No	Unknown
65/0002	Sipi, Kyiv oblast	Two adults and two children killed in explosion.	Residential	Yes	Unknown
65/0002	Volyn, Kyiv oblast	Demolished church in the village Bohory, Kyiv oblast.	Religious	No	Unknown
65/0002	Prystavkivsky, Kharkiv oblast	A group of civilians killed and severely injured by artillery fire.	Residential	No	The artillery fire mortars
65/0002	Kyivob	Shops and residences damaged in explosion.	Residential	No	Unknown
65/0002	Miastko, North Slobianka	Kindergarten, residential buildings damaged in explosion.	School or childcare	No	Unknown
65/0002	Miastko	The moment projectile hits a stock of IEDs at night in Kharkiv.	Residential	No	Unknown
45/0002	Zaporizhzhya, Nuclear Power Plant	Unintentional casing of Zaporizhzhya reactor power plant during water receiving small arms fire.	Industrial	No	Small arms
75/0002	Kyivob	The historical building on fire in Kharkiv (left right).	Undefined	No	Unknown
75/0002	Miastko, S-V, Mykailivskyi (district)	Kindergarten and nearby apartment; damaged by artillery.	School or childcare	No	Unknown
65/0002	Hurayivka	Neutralization of local Orthodox Church, allegedly by artillery.	Religious	No	Unknown
75/0002	Miastko	Remnants remains embedded in pavement.	Residential	No	The rocket artillery
75/0002	Stilly	Residential area destroyed.	Residential	No	Unknown
75/0002	Uzh, Kharkiv region	Hospital destroyed by explosion.	Healthcare	No	Unknown
65/0002	Kyivob	Widespread destruction of commercial and residential buildings in the centre of the city.	Residential	No	Unknown
75/0002	Mykailiv	Large warehouse embedded in driveway.	Residential	No	Cluster munitions
75/0002	Luhansk	Oil refinery damaged by IEDs, reportedly by Cobra tankster missile.	Industrial	No	Unknown
65/0002	Miastko	Power transformer substation damaged after shooting at a checkpoint.	Undefined	No	Small arms
75/0002	Miastko	Residential area with damage from heavy artillery strike.	Residential	No	Unknown
75/0002	Miastko	MLR strike on residential area.	Residential	No	The rocket artillery
75/0002	Miastko	Fire in residential tower floor.	Residential	No	Unknown
75/0002	Miastko	Heavy damage to residential area and school.	School or childcare	No	Unknown
65/0002	Izrael	Hospital destroyed by explosion.	Healthcare	No	Unknown
65/0002	Dozhik, Mykailiv	Two civilians, including a year-old child, reportedly killed in attack. Crater visible.	Undefined	No	Unknown
65/0002	Miastko	Heavy damage to residential/commercial area.	Residential	No	Unknown
65/0002	Akhymka	Akhymka City Council destroyed.	Administrative	No	Unknown
65/0002	Kyivob	MLR launching from concrete area towards South West.	Residential	No	The rocket artillery
65/0002	Miastko	Miastko train depot struck.	Industrial	No	Unknown
63/0002	Mykailiv	Images and videos reportedly showing the removal of munitions, images include rocket motors and at least two 8x255 submunitions.	Residential	No	Cluster munitions
65/0002	Sokolivka, Zaporizhzhya	Large warehouse destroyed on road in residential area.	Residential	No	Cluster munitions
65/0002	Kyivob	Large rocket fire on residential area Mykailiv, missile.	Residential	No	Cluster munitions
65/0002	Stn District, Kharkiv	Large crater in residential area of Akhymka, reportedly 20m diameter.	Residential	Yes	Unknown
65/0002	Izrael	Damage caused to various areas of the town.	Administrative	No	Unknown
65/0002	Sokolivka, Kharkiv	Residential tower struck on fire.	Residential	No	Unknown
65/0002	Miastko	Rocket impact close to houses.	Residential	Yes	Unknown
65/0002	Manipol	Large crater visible in residential area.	Residential	No	Unknown
65/0002	Obohonivsky	Large warehouse embedded in agricultural field.	Undefined	No	Cluster munitions
65/0002	Manipol	Multiple rockets in Manipol heavily damaged by IEDs. Multiple injuries and fatalities reported. At least one large crater visible.	Healthcare	No	Unknown
65/0002	Dozhik, Kyivob	Graphic bodies of child and grandfather reportedly killed in strike.	Residential	No	Unknown
65/0002	Ukrainian coast, Sakhumskaya	Graphic bodies under cover of military ambulance markers with red crosses attacked.	Administrative	No	Unknown
65/0002	Manipol	Crater in road caused by IEDs.	Residential	No	Unknown

9/30/2022	Manjupol	Widespread damage caused by strike	Administrative	No	Unknown
9/30/2022	Kharkov	Damage caused by strike. Large crater visible	Administrative	No	Unknown
9/30/2022	Mykolajew	Cluster munitions scattered in an industrial zone appears to be 2019, after Russia stopped selling weapons to Ukraine.	Undefined	No	Cluster munitions
11/3/2022	Dnipro	Crash landing site of an aircraft in Dnipro suburb, local media say this focused on a school factory and a nearby kindergarten.	Residential	No	Unknown
1/3/2023	Hoboc, Kyiv Region	Mill processing facility destroyed by missile	Industrial	No	Unknown
1/13/2023	Irpin	Witnessed few hip-throwing mines (M100) as explosions can be seen in distance	Residential	No	Unknown
9/17/2022	Mykolajew	Explosive projectiles fired impacting a residential area.	Residential	Yes	HE rocket artillery
9/30/2022	Manjupol	Graphic covered body/ Explosive damage claim Manjupol causing 1 body.	Undefined	No	Unknown
9/30/2022	Mykolajew	Artillery in what may be urban area, glare visible. Multiple projectile harm.	Undefined	No	Artillery
9/30/2022	Kharkov	What appears to be a cluster munition strike at night	Undefined	Yes	Cluster munitions
9/30/2022	Mykolajew	Rocket mortar for cluster munition	Residential	No	Cluster munitions
9/30/2022	Kyiv/kyivka	Heavy damage to residential area, large crater visible.	Residential	No	Unknown
10/3/2022	Manjupol	Large crater in residential area	Residential	No	Unknown
10/3/2022	Manjupol	Significant damage to what appears to be a residential area.	Residential	No	Unknown
10/3/2022	Manjupol	What appears to be an artillery strike impacting a residential area.	Residential	No	Unknown
10/3/2022	Manjupol	Heavy damage to a building associated with the SESU, Ukrainian civil defence	Administrative	No	Unknown
10/3/2022	Kharkov	Cluster munitions, including rocket mortar and mine, appears to be struck. Bombardments with markings indicating they were manufactured in 2019, after Russia stopped selling weapons to Ukraine.	Residential	No	Cluster munitions
10/3/2022	Kuzbass	Damage to city council building	Administrative	No	Unknown
1/13/2023	Sewerodoneck	Damage to residential building	Residential	No	Unknown
28/02/2022	Chernihiv	Large shopping center destroyed	Commercial	No	Unknown
11/3/2022	Novokodatsky, Dnipro	Graphic footage reports of children playing a kindergarten, apartment building and shoe factory. Three explosions seen on separate CCTV footage. Fragments appear to be similar to a Kalibr cruise missile.	School or childcare	No	Unknown
9/30/2022	Horlov highway, Rogan-Horizon	Images of bodies and cars reportedly on the Horlov highway, Rogan-Horizon.	Undefined	No	Unknown
1/13/2023	Luhansk	Crane workmate in Luhansk	Undefined	No	Cluster munitions
10/3/2022	Luhansk	Truck carried by emergency worker, may be injured	Undefined	No	Cluster munitions
1/13/2023	Irpaipolats	MLR RPs launch from residential area, firing to south-east	Residential	No	HE rocket artillery
1/13/2023	Mykolajew	Cluster munition strike in residential area.	Residential	No	Cluster munitions
1/13/2023	Vasyliv	Car depot attacked	Industrial	No	Unknown
1/13/2023	Kharkov	Child hugging cargo, warhead for cluster munition	Residential	Yes	Cluster munitions
1/13/2023	Mykolajew	Food warehouse struck	Commercial	No	Unknown
1/13/2023	Irpaipolats	Cluster munition remnants, reportedly from strikes on the 11th and 12th March	Residential	No	Cluster munitions
1/13/2023	Kyiv/kyivka	Fire in what appears to be an industrial area after a reported MLRS strike.	Industrial	No	Unknown
1/13/2023	Manjupol	Crater larger in what appears to be residential area.	Residential	No	Unknown
10/3/2022	Manjupol	Explosion damage to buildings	School or childcare	No	Unknown
10/3/2022	Kyiv/kyivka	Explosion damage to commercial and residential buildings	Residential	No	Unknown
1/13/2023	Starbanska	Strikes on civilian buildings in Starbanska, Mykolajew region. Reports of one dead	Residential	No	Unknown
1/13/2023	Svatogorsk Lavra	Explosion damage to conference and church building at Svatogorsk Lavra monastery where pilgrims were sleeping. Reports of several wounded.	Religious	No	Unknown
1/13/2023	Brass	Passenger train evacuating civilians from London comes under fire. Reports of one killed, several wounded.	Industrial	No	Unknown
1/13/2023	Cherkash	Cluster for cluster munition missile	Undefined	No	Cluster munitions
1/13/2023	Irpa	US journalist Brett Remick killed by small arms fire in Irpa	Undefined	No	Small arms
1/13/2023	Salkivka, Kharkov	Strike on residential area in Salkivka	Residential	No	Unknown
1/13/2023	Moschan, Kyiv	Widespread damage caused to village. Unclear if a result of fighting	Residential	No	Unknown
1/13/2023	Salkivka, Kharkov	MLRS damage onto northern Kharkov, video shows both the launch and impact.	Residential	No	HE rocket artillery

13030202	Kharkiv	Night-time videos of reported strikes on Kharkiv, some which are indicative of cluster munitions.	Undefined	No	Unknown
13030202	Kharkiv	Unexploded cargo warhead fitted with submunitions recovered by Ukrainian coast defence.	Indefinite	Yes	Unknown
13030202	Kharkiv	Unexploded cargo warhead fitted with submunitions recovered by Ukrainian coast defence.	Undefined	No	Cluster munitions
13030202	Manjapar	Artillery strikes on residential buildings.	Residential	No	Unknown
14030202	Obolon district, Kyiv	Report of at least one killed in strike on residential apartment block in Kyiv. Significant damage.	Residential	No	Unknown
14030202	Kyiv	Large volume of damage in what appears to be a residential area.	Residential	No	Unknown
14030202	Kharkiv	Heavy damage to park apartment block, reportedly on Freedom St.	Residential	No	Unknown
14030202	None	Reported strike on TV mast.	Industrial	No	Unknown
14030202	Donetsk City	What appears to have been a strike using a cluster variant of a rocket battle missile, reported of tens of casualties.	Residential	No	Cluster munitions
14030202	Kyiv	Explosion on street in daylight.	Residential	No	Unknown
14030202	Lyuh	What appears to be a body in a residential area. No information about how they died.	Residential	No	Unknown
14030202	Mykolaiv	2 cargo warheads impacted in Mykolaiv zoo. Location of origin appears to be to the east.	Undefined	No	Cluster munitions
14030202	Mykolaiv	1 rocket motor impacted in power zoo.	Undefined	No	Cluster munitions
14030202	Mykolaiv	Mykolaiv chronology historical block by what appears to be cluster munitions.	Historical	No	Cluster munitions
14030202	Kharkiv	Cluster on unexploded cluster munitions, appear to be strikes, manifested data appear to be 1000.	Undefined	No	Cluster munitions
14030202	Kharkiv	Trofimovskiy House, historic building used as youth library, damaged.	Undefined	No	Unknown
14030202	Polissya, Ukraine Region	Damage to front of local historic church, windows shattered.	Religious	No	Unknown
14030202	Lviv/Mykolaiv	Inside view of school classrooms damaged by attack.	School or childcare	No	Unknown
14030202	Kyiv	New Life evangelical prayer hall damaged by attack.	Religious	Yes	Unknown
14030202	Kyiv	Drone footage of an individual dressed in civilian clothes appearing to be shot by people with white bands around their limbs, from a position where there is a tank with a white "V" marked on it.	Undefined	No	Small arms

Mr. KEATING. Thank you very much.

And if members of the committee want to view those photographs, please contact our staff and we'll arrange for that viewing to occur.

Dr. Anthony Clark Arend is a professor of government and foreign service at Georgetown University and chair of the Department of Government. His research focuses on international law, national security law, and human rights. He founded Georgetown's Institute for International Law and Politics.

We welcome you this morning, and please begin with your testimony.

**STATEMENT OF ANTHONY CLARK AREND, , PH.D., PROFESSOR OF GOVERNMENT AND FOREIGN SERVICE, CHAIR, DEPARTMENT OF GOVERNMENT, GEORGETOWN UNIVERSITY**

Dr. AREND. Chair Keating, Ranking Member Fitzpatrick, members of the subcommittee, I want to, first, commend the chair and the ranking member for their important leadership on this critical issue.

As the chair said, we are at a very grave time in our history. The very structure of the international system is being challenged. The Russian invasion of Ukraine is a clear violation of international law, without question.

Article 2 paragraph four of the United Nations Charter explicitly prohibits the use of force against the territorial integrity or political independence of any State, and that is exactly what is happening now.

But, as Mr. Grozev demonstrated, there is also rather clear evidence that war crimes are also being committed by Russia and their affiliates. The purpose of my testimony this morning is, really, to ask two questions.

First of all, what do we mean by war crimes and, second, how can war crimes be enforced? In other words, how can those who perpetrate war crimes be brought to justice?

So the first question, what are war crimes, this is something that the chair and the ranking member both alluded to. In short, war crimes are violations of the laws of war, also known as international humanitarian law or the law of armed conflict.

That law is embodied in a series of treaties, including the 1907 Hague Convention on the laws of land warfare, and the very famous Geneva Conventions of 1949, and they include the kinds of violations that, frankly, we just saw, the deliberate targeting of civilians, the deliberate targeting of unoccupied and unarmed towns and villages, the deliberate targeting of hospitals and medical facilities, the use of torture, the mutilation of bodies, the use of weapons like cluster munitions, which cause unnecessary suffering, the mistreatment of prisoners of war, and we could go on.

Those are what we mean by war crimes, and the great work of Bellingcat and others is demonstrating, is recording, is memorializing these kinds of actions.

Now, the question before the world community and, certainly, before the Congress is how do we enforce these laws? How do we prevent war crimes from occurring, in part, by punishing those individuals who have perpetrated these horrific actions?

In general, there are two broad mechanisms for enforcing war crimes. One, international tribunals and, two, domestic enforcement, and let me say a little bit about each of those.

International tribunals—we really started taking war crimes seriously after the horrors of the Holocaust. The Nuremberg Trials demonstrated how individuals could be held accountable. Well, the Nuremberg Trial was an international tribunal. It was an ad hoc tribunal established for that purpose.

We have seen similar ad hoc tribunals: the International Criminal Tribunal for Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone. It is possible that, in this case, a special ad hoc tribunal could be convened to try Russia and Russia's affiliates and anyone else for committing war crimes.

The challenge here is that unless at some point Russia consented to the jurisdiction of that ad hoc tribunal, its legitimacy would be called into question and it would be unlikely that individuals would be brought before that tribunal.

However, there is hope. In a post-Putin world, meaning Putin is no longer in power, it is possible that Russia, to regain legitimacy, may actually consent to such a tribunal. For example, after Slobodan Milosevic was in power, Serbia actually sent him to The Hague to be tried by the International Criminal Tribunal for Yugoslavia.

So there is hope there. But there is also, as Mr. Grozev mentioned, a permanent international tribunal, the International Criminal Court. Now, while neither Russia nor Ukraine are parties to the Rome Statute, which established the International Criminal Court, because Ukraine has previously consented to the jurisdiction of the court, investigations are beginning. It would not surprise me if at some point we see individuals indicted by the ICC.

If those individuals are captured by Ukraine or someplace out of Russia, they could be sent to The Hague if they are indicted. And, again, in a post-Putin regime, Russia itself may even be willing to send high-level officials who were engaged in these actions to The Hague.

So those are sort of our range of international tribunals. But there's one other mechanism I want to mention relating to enforcement and that is domestic enforcement, and Mr. Grozev alluded to this.

Under international law, there is a concept of a universal crime. War crimes are a universal crime, and as a universal crime, any State has enforcement jurisdiction over individuals that commit that crime.

Mr. Grozev mentioned Germany and Spain and, perhaps, the Netherlands may, in accordance with their domestic law, choose to prosecute those individuals. That is an option.

In the United States, the applicable statute is the War Crimes Act, and while this requires that the perpetrator be an American national or the victim be an American national, we have already seen evidence that there may be targeting of individual Americans, including journalists, so that is a possibility.

Finally, I want to mention civil suits that could possibly be brought against people who have perpetrated war crimes. This might not be something we would immediately think of.

But the Alien Tort Statute provides this option. The Alien Tort Statute was incorporated by Congress in the Judiciary Act of 1789 and it allows aliens, meaning non-U.S. nationals, to bring suit in U.S. courts for a tort in violation of the law of nations or a treaty to which the United States is a party.

That means a non-U.S. national in the United States could bring a civil suit against an individual who had perpetrated a war crime. If there are assets of that individual in the United States, a judgment could attach those assets as an effective way of punishing this war criminal.

Now, it is true that the Supreme Court in the *Kiobel* case said that there is a presumption against the extraterritorial application of the Alien Tort Statute. I think the case of war crimes might be an exception.

But I think, even more significantly, Congress could make an exception. Congress could explicitly say that the Alien Tort Statute would apply to war crimes committed in the Russia-Ukraine war.

If Congress were to adopt a statute to that effect, that would give U.S. courts jurisdiction to be able to hear cases where individuals could bring claims against Russian nationals and others who had committed war crimes.

So these, I think, are some of our options for enforcement. Needless to say, I would be happy to go into more detail during the question and answer period.

I want to thank the chair and the ranking member and the members of the subcommittee.

[The prepared statement of Dr. Arend follows:]

Testimony of Dr. Anthony Clark Arend  
Professor of Government and Foreign Service  
Chair, Department of Government  
Georgetown University

Before

The House Foreign Affairs Committee  
Subcommittee on Europe, Energy, the Environment and Cyber

March 16, 2022

Chair Keating, Ranking Member Fitzpatrick, Members of the Subcommittee:

International human rights law is a relatively recent addition to the corpus of international law. Prior to the Second World War, there were few—if any—legal restrictions on how states treated their own nationals. There were, however, legal rules relating to the conduct of states during armed conflict. This law of war—sometimes referred to as the *jus in bello*, or the Law of Armed Conflict (LOAC), or International Humanitarian Law (IHL)—can be traced back centuries. The first formal international agreement in this area was the Geneva Convention of 1864; it was followed by a host of other multilateral conventions. While states could be held accountable for violations of the laws of war, the concept of holding *individuals* personally responsible for such violations was not clearly established until after World War II.<sup>1</sup>

This Testimony will explore the legal framework for addressing violations of the laws of war under contemporary international law. Part One will set forth the general legal framework for human rights and for international humanitarian law. Part Two will explore mechanisms for enforcing international humanitarian law.

#### Part I: Legal Framework

##### 1. General Human Rights Law

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<sup>1</sup> While the Treaty of Versailles did call for the prosecution of Kaiser Wilhelm, he was never released from the Netherlands. And even though there were a series of German-run trials in Leipzig, those trials were generally regarded as ineffective.

With the unspeakable atrocities of the holocaust on their minds, the framers of the [United Nations Charter](#) sought to enshrine international human rights law in the normative structure of the new international organization that was being established as World War II was coming to an end. In the Preamble to the Charter, the member states pledged their determination to “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person . . . .” Subsequently, the United Nations General Assembly adopted the [Universal Declaration of Human Rights in 1948](#) setting forth an “international bill of rights.” While the Universal Declaration was non-binding, it set the stage for significant binding international agreements. These include two broad conventions: The [Covenant on Civil and Political Rights](#) (1966) and the [Covenant on Economic, Social, and Cultural Rights](#) (1966). In addition, there have been a wide variety of conventions that address specific areas of human rights, including: the [Genocide Convention](#) (1948), the [Torture Convention](#) (1984), the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (1965), the [Convention for the Elimination of All Forms of Discrimination Against Women](#) (1979), and the [Convention on the Rights of the Child](#) (1989).

## 2. International Humanitarian Law

As general rules relating to human rights were being codified under the United Nations structure, international humanitarian law was also being further refined. Underlying international humanitarian law are several fundamental legal principles<sup>2</sup>: 1) Military Necessity; 2) Humanity; and 3) Chivalry. While military necessity allows states to use lethal force to use “any amount and any kind of force to compel the complete submission of the enemy with the least possible expenditure of time, life, and money,” military necessity is limited by the other two principles. The Principle of Humanity requires, among other things, that combatants discriminate between military and non-military targets, that under the concept of proportionality they use only the amount of force that is necessary to achieve the military objective and nothing beyond that, and that they avoid means and methods of combat that cause “unnecessary suffering.” The Principle of Chivalry “forbids dishonorable means, expedients or conduct.” Over the years, the principles have been refined and are now incorporated into two main frameworks for international humanitarian law that have universal or near universal acceptance: The Hague Convention Framework and the Geneva Convention Framework.

### A. The Hague Framework

<sup>2</sup> There are a variety of different ways to conceptualize the principles of international humanitarian law. These principles are taken from the US Army Field Manual FM 27-10 from 1940. The quotes are from that document.

The 1907 Hague Conference produced a series of conventions relating to international humanitarian law. Perhaps the most significant for the current conflict is the [Hague Convention IV on the Laws and Customs of War on Land](#). In the appended Regulations, the basic presumption of combatant behavior is set forth. Article 22 provides: "The right of belligerents to adopt means of injuring the enemy is not unlimited." Article 23 proceeds to prohibit specific actions, including the use of "poison or poisoned weapons," killing or wounding "treacherously," killing or wounding "an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion," declaring "that no quarter will be given," "employ[ing] arms, projectiles, or material calculated to cause unnecessary suffering," and "destroy[ing] or seiz[ing] the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war." Article 25 further provides: "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited."

#### B. The Geneva Framework

Following the first Geneva Convention in 1864, the international community has adopted more detailed treaties dealing with international humanitarian law. The current [Geneva framework consists of four Conventions](#) that have universal acceptance: Geneva I (Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field), Geneva II (Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea), Geneva III (Convention relative to the Treatment of Prisoners of War), and Geneva IV (Convention (IV) relative to the Protection of Civilian Persons in Time of War). Taken together these Conventions affirm and elaborate upon the Hague Principles and set forth a specific regime for taking care of injured members of the military, prisoners of war, and civilians.

#### 3. War Crimes, Crimes Against Humanity and Genocide

Following the Second World War, the international community began to delineate certain violations of international humanitarian law for which individuals could be held criminally responsible. The best articulation of these crimes can be found in the [Rome Statute](#), which established the International Criminal Court. The Rome Statute lists three violations of international humanitarian law: a) War Crimes; b) Crimes Against Humanity; and c) Genocide.

##### a) War Crimes

War Crimes consist of violations of the laws of war in both international conflict and conflict that is not of an international character. As such, under Article 8 of the Rome Statute, war crimes are "grave breaches" of the Geneva Conventions of 1949 or other violations of the law of war.

Accordingly, war crimes include: "Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities . . .", "[i]ntentionally directing attacks against civilian objects, that is, objects which are not military objectives . . .", and "[a]ttacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives."

b) Crimes Against Humanity

Crimes Against Humanity consist of a variety of offenses against civilians that do not need to take place in the context of armed conflict. Under Article 7 of the Rome Statute, they include act such as: murder; extermination; enslavement; deportation or forcible transfer of population; "imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;" torture; rape, sexual slavery, enforced prostitution, "forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; enforced disappearance of persons; and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health." To constitute a Crime Against Humanity, these acts must be "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."

c) Genocide

Originating with the [1948 Genocide Convention](#) and reiterated in numerous legal instruments, including the Rome Statute, Genocide has a very specific legal definition. As Article 6 of the Statute notes:

"[G]enocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.”

As can be seen from this definition, there is a very high bar for an act to be regarded as an act of genocide. There must be an *intent* on the part of the actor to destroy in whole or in part the defined group. In the current conflict, there does not truly seem to be that intent on the part of the Russians or any other party.

## II Enforcement Mechanisms

While there is no one central mechanism to enforce international humanitarian law, there are two major ways in which those rules can be enforced– through international tribunals and through domestic courts.

### 1. International Tribunals

#### a. The International Court of Justice

The International Court of Justice (ICJ) addresses disputes between states relating to violations of international law. The ICJ only has jurisdiction over a dispute if the parties to the dispute have explicitly accepted the jurisdiction of the Court. States may accept the jurisdiction of the ICJ in three ways: acceptance of the compulsory jurisdiction of the Court in general<sup>3</sup>, acceptance for a particular case, or by being a party to a treaty that has compulsory ICJ jurisdiction. In the current case, because Russia has alleged that genocide is taking place, [Ukraine is invoking the Genocide Convention to give the ICJ jurisdiction](#). At this point, Ukraine has requested “provision measures”-- the international equivalent of an injunction– asking the Court to order Russia to cease and desist its military actions in Ukraine. Two points, however, should be noted. First, even if the ICJ were to issue

<sup>3</sup> [Article 36\(2\) of the Statute](#), the so-called Optional Clause, provides:

2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.

provisional measures calling upon Russia to cease its activities, enforcement of ICJ decisions is vested in the Security Council, where Russia has a veto. Second, any measures indicated by the ICJ would be against the state of Russia and not against individuals.

b. The International Criminal Court

Established by the Rome Statute, the International Criminal Court has jurisdiction over War Crimes, Crimes Against Humanity, and Genocide. The ICC has the ability to indict, try, and convict individuals for these crimes. While neither Russian nor Ukraine is a party to the Rome Statute, because Ukraine has in the past accepted the jurisdiction of the ICC on an ad hoc basis and the offenses are occurring in Ukraine, the ICC has begun an investigation in this case<sup>4</sup>.

c. Ad Hoc Tribunals

In the past, another mechanism for the enforcement of international humanitarian law has been ad hoc tribunals that were established to address specific conflicts. For example, the Security Council created the [International Criminal Tribunal for Yugoslavia](#) and the [International Criminal Tribunal for Rwanda](#). There was also a [Special Court for Sierra Leone](#) created by an agreement between the Security Council and the Government of Sierra Leone. It seems unlikely that an ad hoc tribunal would be possible in the current situation because the consent of Russia would be needed. It is, of course, possible that in a post-Putin Government, Russia could consent to such a tribunal— much in the way that Serbia consented to turn Slobodan Milosevic over to the ICTY after he was no longer in power.

2. Domestic Mechanisms

a. Universal Criminal Jurisdiction

Under international law, certain crimes— like piracy, slave trade, war crimes, genocide, and crimes against humanity— are regarded as crimes of universal jurisdiction. What this means is that any state— whether it is directly connected to those crimes or not, can prosecute a person who commits one of those crimes. This means that one possible way to bring persons connected to violations of international humanitarian law in Ukraine would be for individual states to prosecute those persons in their domestic courts. In the United States, the most relevant statute for such prosecutions is the War Crimes Act. Codified at [18 U.S.C. sec. 2441](#), the War Crimes Act gives

<sup>4</sup> See, [Situation in Ukraine, ICC-01/22](#) for a discussion of the jurisdiction of the ICC in this case,

federal courts jurisdiction over persons committing war crimes<sup>5</sup> if either the perpetrator or the victim is a US citizen. Accordingly, a non-national could only be prosecuted if the victim had US citizenship. While most of the offenses committed in Ukraine are being committed against Ukrainian citizens, there may be some crimes that are being committed against American nationals.

b. Civil Jurisdiction: The Alien Tort Statute (ATS)

Originally part of the Judiciary Act of 1789, the [Alien Tort Statute](#) provides that: "The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." This means that a non-US national can bring a civil suit in US courts against any person for tort violations of international law— either embodied in customary international law (the "law of nations") or a treaty to which the US is a party. Given that the US is a party to the Hague and Geneva conventions, Ukrainian nationals would presumably be able to bring suit against Russian nationals who were responsible for committing War Crimes or Crimes Against Humanity. Judgment in the US would be possible if the Russian national were in the US or had assets in the United States. It should be noted that in [Kiobel v. Royal Dutch Petroleum \(2012\)](#), the Supreme Court ruled that there was a presumption against extraterritorial application of the ATS. This, however, could be overcome if Congress were to adopt a statute specifically calling for the application of the ATS to actions in the Russian-Ukraine War.

### III Conclusion

In light of the previous discussion, it seems clear that there is a well-developed body of international law that addresses human rights and international humanitarian law. The real challenge— especially when confronted with violations by a permanent member of the Security Council, whose veto could block any action by the Council— is enforcement. While Vladimir Putin remains in power in Russia, the possibility of any effective international enforcement seems remote. There may, however, be an opportunity for domestic enforcement in the United States through the War Crimes Act and the Alien Tort Statute. Other states may also domestic enforcement mechanisms that they could use.

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<sup>5</sup> The US statutory definition of war crimes is largely consistent with— but slightly different from— the definition in the Rome Statute.

Mr. KEATING. Thank you, Doctor. Thank you for your explanations.

Ms. Bonnie Docherty is a senior researcher in the arms division of Human Rights Watch. She's also the associate director of armed conflict and civilian protection as well as a lecturer on law at the International Human Rights Clinic at Harvard Law School.

She focuses arms and the protection of civilians during war as primary areas of her concern. Docherty played a leading role in the negotiations for the Convention on Cluster Munitions and advocated against the use of these weapons by analyzing their impact in Afghanistan, Iraq, Lebanon, and Georgia.

You are now recognized for your testimony. Thank you for being here.

**STATEMENT OF BONNIE DOCHERTY, SENIOR RESEARCHER,  
ARMS DIVISION, HUMAN RIGHTS WATCH**

Ms. DOCHERTY. Chair Keating, Ranking Member Fitzpatrick, and members of the committee, thank you for inviting me to participate in this hearing.

I would like to highlight two types of weapons that Russian forces are using widely and with devastating effects on civilians in Ukraine, cluster munitions and explosive weapons with wide area effects.

The use of these types of weapons has a long history. I, personally, have documented cluster munition use in Afghanistan, Iraq, Israel, Lebanon, and Georgia, and have investigated the effects of explosive weapons in populated areas on health care in eastern Ukraine in 2016.

My Human Rights Watch colleagues have done extensive research on these weapons in numerous other conflicts. Russia has been using cluster munitions in Ukraine since the beginning of its full-scale invasion.

On February 24th, Russian forces launched a cluster munition ballistic missile that struck near a hospital in the Donetsk region, killing four civilians and injuring 10. Four days later, Russian rockets with cluster munition warheads rained submunitions down on three neighborhoods in the city of Kharkiv, and you saw the video of that earlier.

One resident told Human Rights Watch, "The bangs lasted for about 2 minutes. When I went out, I saw three covered bodies lying in the street, and one wounded person being taken away by emergency services."

Cluster munitions are large weapons containing dozens or hundreds of smaller submunitions. They can endanger civilians at the time of attack, especially when used in towns or cities, because they spread the submunitions over the size of a football field.

In addition, many of the submunitions failed to explode and lie around like land mines for months, years, or even decades. Russia is not a party to the Convention on Cluster Munitions, the international treaty that bans these weapons, but Russia's cluster munition attacks have been unlawful because they involve inherently indiscriminate weapons that cannot distinguish between combatants and civilians, and individuals responsible for ordering or carrying out cluster munition attacks against civilians or civilian objects

with criminal intent—that is either intentionally or recklessly—would be committing war crimes.

Russian forces' use of explosive weapons with wide area effects in populated areas represents an even greater peril for the civilians of Ukraine. Explosive weapons include a wide range of munitions such as rockets, missiles, or aerial bombs.

The harm they cause is magnified when they have wide area effects. That is, they have a large blast or fragmentation radius, they are inaccurate, or they deliver multiple munitions at the same time, such as cluster munitions.

Russian forces' use of these weapons in Ukraine's cities and towns has been catastrophic, and the U.N. Office of the High Commissioner of Human Rights has highlighted it as the major cause of the more than 1,800 civilian casualties recorded as of yesterday.

On March 3d, Russian aircraft dropped multiple unguided munitions in the neighborhood of Chernihiv, a city in northeastern Ukraine and, again, you saw the video of that earlier.

The attack killed at least 47 people, according to local officials, and wounded many others. It also significantly damaged an apartment building, a hospital, a pharmacy, and other civilian structures.

A doctor at the hospital described the blast as a windstorm that filled the basement with dust. He treated children with fragment wounds, including an 11-year-old boy with metal shards in his brain and damage to his skull.

In addition to causing immediate civilian casualties and structural damage, the use of explosive weapons with wide area effects in populated areas produces long-term reverberating effects.

Destruction of infrastructure, such as power plants or water treatment facilities, interferes with basic services including health care and education, and, in turn, infringes on human rights. Large numbers of civilians become displaced and the consequences of Russian forces' bombing and shelling of Ukraine's population centers will endure long after active hostilities end.

Given the well-documented pattern of direct and reverberating effects, the use of explosive weapons with wide area effects in populated areas heightens concerns that attacks are indiscriminate and disproportionate and, thus, unlawful. Individuals carrying out such attacks with criminal intent are responsible for war crimes.

We were glad to hear that the United States will support investigations by the International Criminal Court into alleged war crimes in Ukraine. In light of the massive civilian harm caused by Russia's use of these weapons and the possibility that Ukraine could also use them, we urge the United States to take two additional steps.

First, the U.S. should condemn the use of cluster munitions and the use of explosive weapons with wide area effects in populated areas. At least seven NATO countries and the NATO Secretary General have already spoken out against Russia's use of cluster munitions, and such international pressure can make a difference.

Second, the U.S. should strengthen its own policies on both types of weapons. The U.S. should join the Convention on Cluster Munitions, which has 110 States parties including most NATO member States.

At a minimum, the U.S. should reinstate a policy signed in 2008 by then Secretary of Defense Robert Gates, which required the U.S. to cease using all cluster munitions with a more than 1 percent failure rate by 2018. The Trump administration reversed that policy in 2017.

In addition, at the negotiations of a new international political declaration on explosive weapons in early April, the U.S. should agree to a commitment to avoid the use of explosive weapons with wide area effects in populated areas.

Thank you again for allowing me to testify and I'm happy to answer any questions you may have.

Thank you very much.

[The prepared statement of Ms. Docherty follows:]

## Early Signs of War Crimes and Human Rights Abuses Committed by the Russian Military During the Full-Scale Invasion of Ukraine

House Foreign Affairs Committee  
Subcommittee on Europe, Energy, the Environment and Cyber  
Hearing, March 16, 2022

*Written Testimony from*

**Bonnie Docherty**  
Senior Researcher, Arms Division, Human Rights Watch  
Associate Director of Armed Conflict and Civilian Protection,  
International Human Rights Clinic, Harvard Law School

Chair Keating, Ranking Member Fitzpatrick, and Members of the Committee. Thank you for inviting me to participate in this hearing today.

I would like to highlight two types of weapons that Russian forces are using widely and with devastating effects on civilians and civilian structures in Ukraine: cluster munitions and explosive weapons with wide area effects.

The use of these types of weapons has a long history. I personally have documented cluster munition use in Afghanistan, Iraq, Israel, Lebanon, and Georgia, and investigated the effects of explosive weapons in populated areas on health care in eastern Ukraine in 2016.<sup>1</sup> My Human Rights Watch colleagues have done extensive research on these weapons in numerous other conflicts, including most recently in Libya, Nagorno-Karabakh, Syria, and Ukraine (2014-2015).<sup>2</sup> We are applying this expertise and methodology to the current armed conflict in Ukraine, both in on-the-ground and remote research.

Russia has been using cluster munitions in Ukraine since the beginning of its full-scale invasion. On February 24, Russian forces launched a cluster munition ballistic missile attack that struck near a hospital in the Donetsk region, killing four civilians and wounding 10.<sup>3</sup>

Four days later, Russian rockets with cluster munition warheads rained submunitions down on three neighborhoods in the city of Kharkiv. One resident told Human Rights Watch, “The bangs

<sup>1</sup> Human Rights Watch, *Fatally Flawed: Cluster Bombs and Their Use by the United States in Afghanistan* (2002); *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (2003); *Civilians under Assault: Hezbollah's Rocket Attacks on Israel in the 2006 War* (2007); *Flooding South Lebanon: Israel's Use of Cluster Munitions in Lebanon in July and August 2006* (2008); and *A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008* (2009); Harvard Law School's International Human Rights Clinic and PAX, *Operating Under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine* (2016), <http://hrp.law.harvard.edu/wp-content/uploads/2017/05/Operating-under-Fire-2017b-secured.pdf>.

<sup>2</sup> See, for example, “Syria: Cluster Munition Attack on School,” Human Rights Watch news release, January 22, 2020, <https://www.hrw.org/news/2020/01/22/syria-cluster-munition-attack-school>.

<sup>3</sup> “Ukraine: Russian Cluster Munition Hits Hospital,” Human Rights Watch news release, February 25, 2022, <https://www.hrw.org/news/2022/02/25/ukraine-russian-cluster-munition-hits-hospital>.

lasted for about two minutes. When I went out, I saw three covered bodies lying in the street and one wounded person being taken away by emergency services.”<sup>4</sup>

Cluster munitions are large weapons containing dozens or hundreds of smaller weapons called submunitions. They endanger civilians at the time of attack, especially when used in towns and cities as they have been in Ukraine, because they spread their submunitions over an area the size of a football field. In addition, many of the submunitions fail to explode on impact, and they linger like landmines for months, years, or decades.

Russia is not a party to the Convention on Cluster Munitions, the international treaty that comprehensively bans these weapons. But Russia’s cluster munition attacks have been unlawful because they involve inherently indiscriminate weapons that cannot distinguish between combatants and civilians. Individuals responsible for ordering or carrying out cluster munition attacks against civilians or civilian objects with criminal intent, that is either intentionally or recklessly, would be committing war crimes.

Russian forces’ use of explosive weapons with wide area effects in populated areas represents an even greater peril for civilians in Ukraine. Explosive weapons include a range of munitions, such as artillery shells, rockets, missiles, and aerial bombs. The harm they cause is magnified when they have wide area effects—that is, they have a large blast or fragmentation radius, are inherently inaccurate, or deliver multiple munitions at the same time (like cluster munitions).

Russian forces’ use of these weapons in Ukraine’s cities and towns has been catastrophic, and the United Nations Office of the High Commissioner for Human Rights highlighted it as a major cause of the more than 1,500 civilian casualties it had recorded as of March 9.<sup>5</sup>

On March 3 at noon, for example, Russian aircraft dropped multiple unguided bombs on a residential neighborhood of Chernihiv, a city in northeastern Ukraine. The attack killed at least 47 people, according to local officials, and wounded many others. It also significantly damaged a high-rise apartment building, a hospital, a pharmacy, and several other civilian structures.<sup>6</sup>

A doctor at the hospital described the blast as a “windstorm” that filled the basement with dust. He treated children with fragment wounds, including an 11-year-old boy with metal shards in his brain and damage to his skull.<sup>7</sup>

In addition to the immediate civilian casualties and structural damage caused, the use of explosive weapons with wide area effects in populated areas produces long-term reverberating effects. Destruction of infrastructure, such as power plants or water treatment facilities, interferes

<sup>4</sup> “Ukraine: Cluster Munitions Launched into Kharkiv Neighborhoods,” Human Rights Watch news release, March 4, 2022, <https://www.hrw.org/news/2022/03/04/ukraine-cluster-munitions-launched-kharkiv-neighborhoods>.

<sup>5</sup> “Russian Attacks on Civilian Targets in Ukraine Could be a War Crime: UN Rights Office,” UN news release, March 11, 2022.

<https://news.un.org/en/story/2022/03/1113782#:~:text=Up%20to%20midnight%20on%209,likely%20to%20be%20considerably%20higher>.

<sup>6</sup> “Ukraine: Russian Air-Dropped Bombs Hit Residential Area,” Human Rights Watch news release, March 10, 2022, <https://www.hrw.org/news/2022/03/10/ukraine-russian-air-dropped-bombs-hit-residential-area#>.

<sup>7</sup> *Ibid.*

with basic services, including health care and education, and in turn infringe on human rights. Large numbers of civilians become displaced.<sup>8</sup> The consequences of Russian forces' bombing and shelling of Ukraine's population centers will endure long after active hostilities end.

Given the well-documented pattern of direct and reverberating effects, the use of explosive weapons with wide area effects in populated areas heightens concerns that attacks are indiscriminate and disproportionate, and thus unlawful. Individuals carrying out such attacks with criminal intent are responsible for war crimes.

We are glad to hear the United States will support investigations by the International Criminal Court into alleged war crimes in Ukraine. In light of the massive civilian harm caused by Russia's use of these weapons, and the possibility Ukraine could also use them, we urge the United States to take two additional steps:

First, the US should condemn the use of cluster munitions and explosive weapons with wide area effects in populated areas. At least seven NATO countries and the NATO secretary-general have already spoken out against Russia's use of cluster munitions, and such international pressure can make a difference.<sup>9</sup>

Second, the US should strengthen its own policies on both types of weapons. The US should join the Convention on Cluster Munitions, which has 110 states parties including most NATO member states.<sup>10</sup>

At a minimum, the US should reinstate a policy signed in 2008 by then-Secretary of Defense Robert Gates, which required the US to cease using all cluster munitions with a more than 1 percent failure rate by 2018.<sup>11</sup> The Trump administration reversed that policy with a 2017 Department of Defense policy memo indefinitely delaying implementation of that ban on using unreliable types of cluster munitions.<sup>12</sup>

In addition, at the upcoming negotiations of a new international political declaration on explosive weapons in early April, the US should agree to a commitment to avoid the use of explosive weapons with wide area effects in populated areas.<sup>13</sup>

Thank you again for allowing me to testify. I am happy to answer any questions you may have.

<sup>8</sup> See, for example, Harvard Law School's International Human Rights Clinic and PAX, *Operating Under Fire*.

<sup>9</sup> NATO member countries that have spoken out against Russia's cluster munition use are: Belgium, Canada, France, Italy, the Netherlands, Norway, and the United Kingdom.

<sup>10</sup> Convention on Cluster Munitions, adopted May 30, 2008, entered into force August 1, 2010. For a current list of states parties, see <https://www.clusterconvention.org/states-parties/>.

<sup>11</sup> DoD Policy on Cluster Munitions and Unintended Harm to Civilians, June 19, 2008, <https://web.archive.org/web/20080915130914/http://www.defenselink.mil/news/d20080709cmpolicy.pdf>.

<sup>12</sup> DoD Policy on Cluster Munitions, November 30, 2017, <https://dod.defense.gov/Portals/1/Documents/pubs/DOD-POLICY-ON-CLUSTER-MUNITIONS-OSD071415-17.pdf>.

<sup>13</sup> Reaching Critical Will, "Process for a Political Declaration on the Use of Explosive Weapons in Populated Areas," <https://reachingcriticalwill.org/disarmament-fora/ewipa/political-declaration>; Ireland's Department of Foreign Affairs, "Protecting Civilians in Urban Warfare," <https://www.dfa.ie/our-role-policies/international-priorities/peace-and-security/ewipa-consultations/>.

*For more information, see the following Human Rights Watch publications:*

“Ukraine: Shelling Residential Areas Puts Civilians at Risk,” news release, February 18, 2022, <https://www.hrw.org/news/2022/02/18/ukraine-shelling-residential-areas-puts-civilians-risk>

“Russia, Ukraine & International Law: On Occupation, Armed Conflict and Human Rights,” questions and answers, February 23, 2022, <https://www.hrw.org/news/2022/02/23/russia-ukraine-international-law-occupation-armed-conflict-and-human-rights#>

“Ukraine: Russian Cluster Munition Hits Hospital,” news release, February 25, 2022, <https://www.hrw.org/news/2022/02/25/ukraine-russian-cluster-munition-hits-hospital>

“Ukraine: Countries Request ICC War Crimes Inquiry,” news release, March 2, 2022, <https://www.hrw.org/news/2022/03/02/ukraine-countries-request-icc-war-crimes-inquiry>

“Ukraine: Cluster Munitions Launched into Kharkiv Neighborhoods,” news release, March 4, 2022, <https://www.hrw.org/news/2022/03/04/ukraine-cluster-munitions-launched-kharkiv-neighborhoods>

Ken Roth, “How Far Will Russian Forces Go in Ukraine?” *Guardian*, March 4, 2022, <https://www.hrw.org/news/2022/03/04/how-far-will-russian-forces-go-ukraine>

“Enhanced Blast Weapons in Ukraine,” backgrounder, March 7, 2022, <https://www.hrw.org/news/2022/03/07/enhanced-blast-weapons-ukraine>

Yulia Gorbunova, “Under Shelling in Kharkiv: Persons with Disabilities Need to Evacuate Safely,” dispatch, March 7, 2022, <https://www.hrw.org/news/2022/03/07/under-shelling-kharkiv>

“Ukraine: Russian Assault Kills Fleeing Civilians,” news release, March 8, 2022, <https://www.hrw.org/news/2022/03/08/ukraine-russian-assault-kills-fleeing-civilians>

“Ukraine: Russian Air-Dropped Bombs Hit Residential Area,” news release, March 10, 2022, <https://www.hrw.org/news/2022/03/10/ukraine-russian-air-dropped-bombs-hit-residential-area>

Yasmine Ahmed, “World Must Send a Clear Message After Brutal Use of Cluster Bombs,” *The Express*, March 11, 2022, <https://www.hrw.org/news/2022/03/11/world-must-send-clear-message-after-brutal-use-cluster-bombs>

Mr. KEATING. Thank you very much.

Finally, our last witness, Marc Garlasco, is a military advisor for PAX for Peace. He's a former Defense Intelligence Agency analyst who left the intelligence community to work on human rights issues and civilian casualties mitigation. Garlasco has worked for Human Rights Watch, the United Nations, and the Center for Naval Analysis.

We welcome your presence here today and now recognize you for your testimony.

**STATEMENT OF MARC GARLASCO, MILITARY ADVISOR, PAX  
FOR PEACE**

Mr. GARLASCO. Chairman Keating, Ranking Member Fitzpatrick, distinguished members of the subcommittee, thank you for the opportunity to appear before you and speak about Russian war crimes in Ukraine.

To understand what is happening in Ukraine, we need to only look at Russian actions in Syria. I am here today to share with you my experience investigating Russian war crimes in Syria and their implications on the civilian population of Ukraine.

As the military advisor on the U.N. Syria Commission of Inquiry, I examine the tactics, weapons, and conduct of all parties to the conflict. We are witnessing likely Russian war crimes broadcast daily from within Ukraine.

Unfortunately, for those of us that investigate war crimes, none of this is new, as these acts by Russia have been tested on the battlefield of Syrian villages, towns, and cities.

We have all been horrified by the brazen attack on a maternity hospital in the city of Mariupol last week. Yet, I fear we will see many more such attacks on protected places because of Russia's prior practice.

In Syria, the group Physicians for Human Rights implicated Russia in 244 attacks on hospitals and medical facilities. Now, I investigated the use of sarin by the Syrian air force in Khan Sheikhoun in 2017. While this attack garnered the world's attention for use of weapons of mass destruction against civilians, the follow-on strikes on Syrian hospitals in the region by the Russian air force is less well known.

For example, we found Russian jets carried out strikes on the Al-Rama Hospital in Khan Sheikhoun hours after the Syrian chemical strike. This attack deprived the local population of life saving treatment.

Russia States it has a robust precision strike capability, yet that has been almost completely absent in Syria, where weapons have been, largely, unguided, indiscriminate, and used against the civilian population.

In Syria, Russian aerial bombs were almost exclusively unguided and targeted urban centers. We are seeing the same tactic of bombing the population into submission in Ukraine.

More than one was taken from a Russian propaganda video released by the Russian Ministry of Defense. It shows Russia's premier attack aircraft, the Sukhoi 34, as it takes off for operations in Ukraine. It is carrying only dumb bombs.

These OFAB 250 were used widely in Syria in attacks on civilians, and we're seeing widespread use of them throughout populated areas in Ukraine.

These unguided bombs should not be employed in populated areas due to their inherent inaccuracy and widespread effects. Russia also relies on cluster munitions and their inherently indiscriminate effects when used in cities.

Syria will likely be contaminated by Russian cluster bombs for decades. We're seeing the same weapons in Ukraine. Image two is a photo of a Russian artillery rocket in the city of Pokrovsk. Each rocket contains 552 DPI CM submunitions with a standard volley of 12 rockets containing 6,624 bomblets.

Typical dud rates for cluster bombs are 25 percent, meaning we may soon see millions of these indiscriminate killers unleashed on Ukraine, killing on contact, and creating de facto minefields that kill for years.

The use of starvation as a weapon of war is a war crime. The Commission documented the use of siege tactics in Syria where Russian and Syrian military trapped the population in urban centers, surrounded them, and starve them out.

I fear we will see the same tactic applied in Ukraine as Russia moves to encircle Kyiv and other urban areas. They may also attack aid convoys, as happened in Syria.

In 2016, I investigated a deliberate attack by the Syrian air force on a U.N. aid convoy in Urum al-Khubra outside Aleppo, an attack labeled by the U.N. as a war crime. The strike on the convoy was preceded by persistent Russian UAV traffic, giving our team reasonable concern Russia provided Syria with targeting information.

It is critical humanitarian aid convoys in Ukraine are given safe passage, but I fear we may see a reprisal of this tactic. The group Air Wars has documented up to 6,381 Syrian civilians killed by Russian attacks in Syria during some 6 years.

I fear Ukrainian civilian casualties will dwarf that number before the month is out. What can you do? I began my career as a civilian intelligence officer in the Defense Intelligence Agency.

The intelligence community has a lot to offer to war crimes investigations, and has in the past provided important support. They can publish an order of battle and chain of command so we know what units are committing war crimes and who is giving the orders.

The IC can begin a declassification process to provide air tracks and signals intercepts of attacks on civilians. They can also provide data on weapons launched into civilian areas so attacks can be matched to harm.

Finally, the U.S. Government can support the new U.N. Ukraine War Crimes Commission with funding so it can conduct investigations into war crimes in Ukraine.

Thank you.

[The prepared statement of Mr. Garlasco follows:]

Mr. Marc Garlasco

Military Advisor  
PAX for Peace NY office

House Foreign Affairs Subcommittee on Europe, Energy, the Environment, and Cyber  
“Early Signs of War Crimes and Human Rights Abuses Committed by the Russian Military  
During the Full-Scale Invasion of Ukraine”  
March 16, 2022

Chairman Keating, Ranking Member Fitzpatrick, distinguished members of the Subcommittee, thank you for the opportunity to appear before you and speak about “Russian War Crimes in Ukraine.”

To understand what is happening in Ukraine we need only look at Russian actions in Syria. I am here today to share with you my experience investigating Russian war crimes in Syria and their implications on the civilian population of Ukraine. As the military advisor on the UN’s Syria Commission of Inquiry I examined the tactics, weapons, and conduct of all parties to the conflict.

We are witnessing likely Russian war crimes broadcast daily from within Ukraine. Unfortunately, for those of us that investigate war crimes none of this is new as these acts by Russia have been tested on the battlefield of Syrian villages, towns, and cities. We have all been horrified by the brazen attack on a maternity hospital in the city of Mariupol last week. I fear we will see many more such attacks on protected places because of Russia’s prior practice. In Syria, the group Physicians for Human Rights implicated Russia in 244 attacks on hospitals and medical facilities. I investigated the use of Sarin by the Syrian Air Force in Khan Sheikhoun in 2017. While this attack garnered the world’s attention for the use of weapons of mass destruction against civilians the follow-on strikes on Syrian hospitals in the region by the Russian Air Force is less well known. For example, we found Russian jets carried out strikes on the Al-Rama Hospital in Khan Sheikhoun hours after the Syrian chemical strike. This attack deprived the local population of lifesaving treatment.

Russia states it has a robust precision strike capability yet that has been almost completely absent in Syria where weapons have been largely unguided, indiscriminate, and used against the civilian population. In Syria, Russian aerial bombs were almost exclusively unguided and targeted urban centers. We are seeing the same tactic of bombing the population into submission in Ukraine. Photo 1 was taken from a Russian propaganda video released by the Russian Ministry of Defense. It shows Russia’s premier attack aircraft the Sukhoi 34 as it takes off for operations in Ukraine. It is carrying only dumb bombs. These OFAB 250 were used widely in Syria in attacks on civilians and we are seeing widespread use of them throughout populated areas in Ukraine. These unguided bombs should not be employed in populated areas due to their inherent inaccuracy and widespread effects. Russia also relies on cluster munitions and their inherently indiscriminate effects when used in cities. Syria will likely be contaminated by Russian cluster bombs for decades. We are seeing the same weapons in Ukraine. Image 2 is a photo of a Russian artillery rocket in the city of Pokrovsk. Each rocket contains 552 DPICM submunitions with a standard volley of 12 rockets containing 6,624 bomblets. Typical dud rates for cluster bombs are

25% meaning we may soon see millions of these indiscriminate killers unleashed on Ukraine, killing on contact, and creating de facto mine fields that kill for years.

The use of starvation as a weapon of war is a war crime. The Commission documented the use of siege tactics in Syria where Russian and the Syrian military trapped the population in urban centers, surrounded them, and starved them out. I fear we will see this same tactic applied in Ukraine as Russia moves to encircle Kiev and other urban areas. They may also attack aid convoys as happened in Syria. In 2016 I investigated a deliberate attack by the Syrian Air Force on a UN aid convoy in Urum al-Khubra outside Aleppo; an attack labeled by the UN as a war crime. The strike on the convoy was preceded by persistent Russian UAV traffic giving our team reasonable concern Russia provided Syria with targeting information. It is critical humanitarian aid convoys in Ukraine are given safe passage, but I fear we may see a reprisal of this tactic.

The group Airwars has documented up to 6,381 Syrian civilians killed by Russian attacks in Syria during some six years. I fear Ukrainian civilian casualties will dwarf that number before the month is out.

What can you do?

I began my career as a civilian intelligence officer in the Defense Intelligence Agency. The intelligence community has a lot to offer to war crimes investigations and has in the past provided important support. They can publish an order of battle and chain of command so we know what units are committing war crimes and who is giving the orders. The IC can begin a declassification process to provide air tracks and signals intercepts of attacks on civilians. They can also provide data on weapons launched into civilian areas so attacks can be matched to harm. Finally, the US government can support the new UN Ukraine war crimes Commission with funding so it can conduct investigations into war crimes in Ukraine.

Thank you.

Appendix: Photographic evidence of executed and tortured civilians in Kyiv district, 12 March 2022











Mr. KEATING. I want to thank our witnesses for your testimony and the detailed nature of that testimony. I'll now recognize members for 5 minutes.

Pursuant to House rules, all time yielded is for the purposes of questioning our witnesses. Because of the virtual format of this hearing, I'll recognize members by committee seniority, alternating between Democrats and Republicans.

If you miss your turn, please let my staff know and we'll circle back to you. If you seek recognition you must unmute your microphone and address the chair verbally. I'll now recognize myself for 5 minutes.

I think I'll address to Dr. Arend first this question. Given the configuration of the Russian Federation, the way it's organized, the way it functions as a country, the hierarchical command, can you describe for us how Vladimir Putin himself, could be held as a war criminal?

Dr. AREND. Absolutely, and I would begin by saying the Russian hierarchy these days is a little bit unclear, meaning we do not exactly know fully how things are working. We do not have the kind of intelligence that we may have had during the time of the Soviet Union.

But based on everything I know, Putin's decisions are the ones that are being implemented. My impression is that he is, clearly, the decisionmaker. He knows what's happening. He cannot claim that he is ignorant. And even then, under the concept of command responsibility, he knows or reasonably should have known the kinds of activities that are taking place.

So it seems clear to me, and, obviously, the committee could bring in people who are Russian experts and can talk more about the details of the Russian hierarchy, but it seems absolutely clear that he knows what's going on.

And as a consequence, much as Milosevic was brought before the International Criminal Tribunal in Yugoslavia, Vladimir Putin himself could be brought before any tribunal that would be established.

Mr. KEATING. I note—could any of the other witnesses—would you care to comment on this? I noticed Mr. Grozev was nodding his head.

Mr. GROZEV. Very briefly. I would like to add to this that it's an unusual case of concentration of decisionmaking military power that we see in Russia, unprecedented even under Soviet times.

We received a lot of inside information from worried witnesses close to Putin who have said that the decision to invade was held close to his chest and was withheld even from people that typically would be considered members of the small circle of confidants. Maybe three to four people were only involved with the actual decisionmaking and he was personally involved.

What I also believe, based on the outflow of information that is coming from the Kremlin, because of the fact that many people even with the closer circle disagreed with this decision, I'm confident that there will be a lot of ready witnesses in a future tribunal that will come forward and will speak to exactly the inner dealings of the decisionmaking.

Mr. KEATING. Anyone else wish to comment on that?

I'll just note that there have been reports of captured Russian officers who have said they've been ordered to attack civilian targets, ordered to attack hospitals, and we have seen the same conduct in Syria, as was mentioned before.

I just want to ask Mr. Garlasco, too. The introduction of Syrian soldiers, the military, into the mix, as has been reported, what concerns do you have regarding the introduction of these Syrian military soldiers?

Mr. GARLASCO. Thank you, Chairman Keating.

The main concern that I would have with the introduction of Syrian soldiers is that they have a very poor adherence to international humanitarian law or laws of armed conflict, if any adherence at all.

We already see very poor adherence to the law from the Russians, and so their compatriots in Syria have shown similar disregard for the laws of war. And so my concern would be you're bringing in troops that are even more poorly trained than the Russians are and we would see vast war crimes with the application of Syrian forces.

Mr. KEATING. Could anyone comment, too, on the fact President Zelensky mentioned at a prior meeting that other Members of Congress were at as well that he was a target of assassination carried out, he thought, by the Chechens or something.

Could you comment on the kind of action, if that's proven true, where they're targeting officials for assassination? You also shared how a municipal mayor of one of the cities was taken to the basement, tortured, and killed. These kind of assassinations, could you comment on those tactics as well? Anyone—anyone can jump—

Dr. AREND. Yes. Just, Chair, if I can jump in on that.

To me, those would also be clear violations of international law by targeting civilians, targeting anyone for assassination. I have heard the reports about mayors being targeted. That would be a clear violation of international law, a violation of the Geneva Conventions and, indeed, violations of international law, even if there were no armed conflict going on.

Mr. KEATING. I now yield to the ranking member, Mr. Fitzpatrick, for 5 minutes for his questions.

I'll now recognize Representative Wagner for 5 minutes.

Mrs. WAGNER. I thank you, Mr. Chairman, for organizing this absolutely critically important hearing, and I want to thank our witnesses for their expertise and their work on these critical issues.

I traveled to Poland and the Ukrainian border just over a week ago as part of a bipartisan delegation of Foreign Affairs Committee members and I saw for myself the incalculable human cost of Russia's invasion of Ukraine.

We met just a few of the millions of Ukrainians fleeing Putin's brutal war on their people and I spoke with women who had left their husbands, their sons, their fathers, behind to fight the Russian assault on a free and democratic Ukraine.

The strength and the courage of the Ukrainian people have demonstrated in the face of such suffering has galvanized the free world to craft a swift, I think, and unified response to Putin's invasion.

Putin is a butcher. His cold-blooded attacks on Ukrainian cities, including on apartment complexes, civilian infrastructure, orphanages, maternity hospitals, and humanitarian corridors are nothing short of evil, plain and simple.

We all just listened to the historic address to Congress by President Zelensky of Ukraine and we must keep them in the fight. Providing Ukraine with the MiG-29 jets that they have been requesting for some time is no different than the weaponry and lethal military aid that we are already providing.

We must work with Poland to make that happen, and humanitarian corridors must be secured at the very least. The United States and our allies must continue to send an unmistakable message to Putin that we will not allow his repugnant crimes against civilians to become commonplace. War crimes are a profound offense to all peaceful and responsible nations and they must always be met with severe consequences.

President Zelensky's strong plea at the end of his speech to America must be heard and met. In his words, "You are a leader of your Nation. You are the leader and you must be the leader of the world. Your nation must be the leader of peace."

While I was in Poland, I met with women civil society leaders who urged us in the strongest possible terms to impose more pain on Putin to punish his unspeakable crimes against Ukrainians, including by going after the oligarchs, as President Zelensky mentioned in his address, who support his criminal regime.

Ms. Docherty, what are the major gaps in the current sanctions system and what can the U.S. and allies do better to tighten the screws on Putin and prevent Russia from skirting these sanctions?

Ms. DOCHERTY. Thank you, Representative Wagner, for the question. I appreciate that, and I think that highlighting the humanitarian consequences of the conflicts is key.

Human Rights Watch does not take a position on the sanctions,—we maintain neutrality on those issues in part because it allows us to assess the violations of international humanitarian law with more impartiality.

However, I think it is essential—excuse me, would you like to go ahead?

Mrs. WAGNER. I would just say—well, let me go on the. The government of Russia has already been sanctioned twice under the U.S. Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 for its use of chemical weapons.

It's clear these sanctions have failed to instill a strong enough deterrent against Russia's future use of chemical weapons.

Ms. Docherty, how could U.S. sanctions be used more effectively, do you think, to deter Russia's use of chemical weapons?

Ms. DOCHERTY. I think our focus, I would say, would be more on the deterrence through international criminal law and I think the importance of documentation of potential war crimes of which there is widespread evidence is crucial. I think the U.S. support of the international criminal investigations is crucial and I think also to address some of this—the issues you saw at the Polish-Ukrainian border States can help those people through humanitarian aid and securing the humanitarian corridors that have been agreed on.

All of those are crucial efforts that need to be undertaken as soon as possible.

Mrs. WAGNER. And every time they tried to secure a humanitarian corridor, Putin shelled that humanitarian corridor and took out those convoys. It is reprehensible.

I thank you for your input. I thank you all for the work that we're doing, and I think this committee and you, Mr. Chairman, for addressing this issue.

I yield back.

Mr. KEATING. Thank you, Representative.

The chair now recognizes Representative Cicilline for 5 minutes.

Mr. CICILLINE. Thank you, Mr. Chairman, and thank you to the ranking member for convening this very important hearing.

I too, recently traveled to the border of Ukraine and Poland with many colleagues and saw firsthand some of the consequences of Russia's aggressive and unjustified invasion of Ukraine, and, of course, this morning, we heard directly from President Zelensky.

So, Mr. Grozev, I'd like to begin with you. You know, I think so much of the analysis is kind of how do we get Vladimir Putin to understand the implications of what he's doing and to continue to suffer consequences as a result.

And so I'm wondering whether Bellingcat or any of your partners have found evidence to suggest there are any internal actors within the upper echelons of the Russian Federation that are either advising Putin to use methods of war that amount to war crimes, or conversely, are there advisors that could influence Putin to wind down these hostilities and to, particularly, underscore that severe consequences of the kind of war crimes he's committing?

Mr. GROZEV. This is an extremely valid question. We see evidence of both. We see a very small, militarized circle, a corrupt militarized circle around Putin that is actually making commissions on all Russia's arms sales, both domestically and internationally, that are advising an escalation.

But we do see evidence, including whistleblowers, that are reaching out to media and to us directly that suggested a growing part of the silovik circle of the sort of power structures are very uncomfortable with the economic and other costs and human costs of the war, not so much imposed on Ukraine but imposed on their own compatriots.

And I think that we are at an unprecedented moment in the recent Russian history where there's a sufficient degree of dissent in the elite near Putin that needs to be engaged with, and I think that's where part of what the United States should focus his efforts on is.

Mr. CICILLINE. Thank you. And, Dr. Arend, you described a number of ways that we might be able to hold Vladimir Putin accountable for his war crimes. Do you have a view on kind of which is the best venue to proceed and the kind of prospects for success?

Because we talk a lot about holding him accountable for these war crimes but being able to actually do that, I think, is incredibly important.

Dr. AREND. I think that's exactly right, Congressman. I think it's a challenge while he is in power, but what I think could be done

as a multi-track approach, I think, if the International Criminal Court were to indict him they would be able to hold that over him.

I also think that civil suits under the Alien Tort Statute in the United States that would be directed against assets that are held by Putin himself, the oligarchs and others, would also be a way to squeeze the oligarchy and, potentially, be able to exert pressure on Putin.

In addition, as Mr. Grozev said, some of the other States like Germany and Spain and, potentially, the Netherlands exercising universal jurisdiction would also, I think, be very good.

Mr. CICILLINE. Thank you.

And, Ms. Docherty, you know, since 2014 in Donbas and Crimea Russian proxies have targeted journalists and dissidents and funneling information about atrocities out of these regions, and multiple journalists have been killed in the full-scale invasion of Ukraine, including American Brent Renaud, while others have been very seriously injured, and we know that the Russian journalists that are critical of Putin and his regime are targeted as well.

And so as we're trying to make sure the world understands what's going on, how difficult will it be for independent members of the press to operate in Ukraine should Russia capture additional territory and what would Russia's plan look like to suppress free expression during an occupation of Ukraine and how might that impact the world's response to this violence?

Ms. DOCHERTY. Thank you for the question.

Obviously, it's crucial to be dealing with the conduct of the war but it's also crucial to be thinking about human rights such as free expression, both in Ukraine but also it's also important to be thinking about it in Russia as well, I just wanted to add.

Protection for journalists is key. I'm not sure I have the answers for how to ensure it at this stage. But I think continued calls for protecting journalists from attacks at this point, which is a fundamental right under international humanitarian law. That they are protected actors, just like civilians are, is an important thing to be keeping in mind.

And it needs to continue not just during the hostilities but also if there were to be an occupation, that right would continue in that situation.

Mr. CICILLINE. Thank you very much.

I yield back, Mr. Chairman.

Mr. KEATING. Thank you. The chair recognizes Mr. Mast for 5 minutes.

Mr. MAST. Thank you, Chair. I appreciate it.

I have a—I would like to begin with just a general question for all of our witnesses.

Is it your understanding that you are here to advise on the potential for adjudicating some sort of war crime against Vladimir Putin sometime in the future or to provide a case to us as Members of Congress in discussing about violation of international law and war crimes, whether there has been some threshold that the United States should support a no-fly zone or giving jets to the Ukraine? What would be your understanding of why you're here?

Dr. AREND. Congressman, I can weigh in. My sense is that I am here to provide an understanding of the international legal frame-

work for both what constitutes war crimes and how one might go about prosecuting individuals who have committed war crimes.

Mr. MAST. Nothing about whether Putin has crossed some threshold at this point or anything else or whether we should increase our involvement today? That would be accurate?

Dr. AREND. Yes. My sense is that my purpose here was to provide a legal structure and a legal framework and to make suggestions as to how the United States could encourage the further investigation of war crimes and potential prosecution. Yes, sir.

Mr. MAST. So I'll appreciate—I'll just stick with that. I think I'm asking a question that most would agree that is the purpose of this hearing, to evaluate some kind of war crimes in the future.

I think it's important for the American people to know that just minutes ago we heard from the president of Ukraine, President Zelensky, and we're having a hearing, in my opinion, that is entirely tone deaf unless the purpose of it is to help evaluate whether we should be enforcing a no-fly zone or granting jets to Ukrainian pilots to go out there and fight the Russians.

And my opinion of why this is taking place is to ease the conscience of a Congress that just heard from a president that is pleading for assistance where 435 members of the House of Representatives and 100 members of the Senate sat in an auditorium and listened to the Ukrainian president plead for help because of the unconscionable crimes going on in his country, the people being burned, buried in rubble, the infants killed, the attacks, and not even all of the members of the Foreign Affairs Committee are sitting together right now minutes after evaluating that plea.

Members of the Senate Foreign Relations Committee are not meeting with us from the Foreign Affairs Committee later today to say, what did you think about what President Zelensky said and what is our evaluation of what we should do in the face of his plea.

All of us, as members of House Foreign Affairs and Senate Foreign Relations, and State Department, and others, we do not have this on our calendar to discuss later today or later this week where we will all get together and very sincerely debate the plea of President Zelensky.

We will not be sitting with President Biden to discuss this. We will not be sitting with Secretary of State Antony Blinken to discuss this. I think that is unconscionable on our part.

I think we are negligent in our duties and I think the American people should know that members of the Foreign Affairs Committee and the Senate Foreign Relations Committee and Blinken and President Biden and others have not, since the inception—since the beginning of this Ukrainian invasion all sat together behind closed doors discussing and debating what we should actually be doing, whether sending jets to Ukrainian fighters actually moves us up somewhere in some ladder of escalation into conventional war or thermonuclear war.

We have not all sat together, and given that, a deliberate debate, or whether we should be looking at this in terms of should we have people on the ground or not. We have not all sat together and had a debate in that way.

We owe Congress more, we owe the American people more, and we owe President Zelensky and the Ukrainian people, who are

pleading for our help, we owe them more than what we're doing right now to try and ease our conscience from lifting a military finger in their defense—from not——

Mr. SCHNEIDER. Will the gentleman yield?

Mr. MAST [continuing]. Military finger. I have no more time. But if I did have time I would yield.

Mr. KEATING. No. The gentleman's time has expired. I would say that since the gentleman's comments were directed toward the chair and, perhaps, the ranking member himself, too, let me suggest that it's never being tone deaf to speak up, investigate, hold accountable people that kill innocent children, women, men, that target schools and hospitals.

So the importance of this hearing is relevant time wise and I'd suggest it's one of the most important issues to expose at this time, not just for our country but for the world.

I now yield to Representative Wild 5 minutes.

Ms. WILD. Thank you, Mr. Chairman. I find this hearing to be very pertinent and timely, particularly, given that as I was sitting here on this hearing I received a breaking news alert of 12 Ukrainians standing in line for bread who were just killed by Russian shelling. The travesty of what is happening there is just unbelievable and, yes, we must address these war crimes.

My first question is to Dr. Arend.

Dr. Arend, having never ratified the Rome Statute, the United States, like Russia, is not a member of the International Criminal Court, the ICC, but the United States, also unlike Russia, has taken actions to support the ICC's work in some instances, including adopting a policy of opposing invitations, facilitation, or support for travel by individuals subject to outstanding ICC arrest warrants.

As we think about the need to reaffirm the rules-based international order in the face of this outrageous aggression, is it fair to say that although other countries who are not members of the ICC would, obviously, need to make the decision to join voluntarily, would it significantly strengthen the ICC's credibility if the United States became a member?

Dr. AREND. Absolutely. I would strongly support U.S. ratification of the Rome Statute. I understand that the statute is not perfect.

But I think when we look at the advantages and disadvantages, it would be much in America's interest to be a party to the Rome Statute and it would be in the interest of the international community because it would strengthen the rules relating to prosecuting people for committing war crimes.

Ms. WILD. Thank you for your very succinct answer and definitive answer.

Short of ratifying the Rome Statute and becoming a member of the ICC, are there intermediate steps that we could be taking to bolster the ICC's work that might be helpful for strengthening international justice?

Dr. AREND. Absolutely. As you mentioned before, the United States has supported efforts by the International Criminal Court. We could, certainly, go on record in this particular case that we would support those efforts, and in past times, we have also sup-

ported U.N. Security Council resolutions encouraging referral to the International Criminal Court.

Those would be some of the things, and pledging cooperation with the prosecutor, including providing, when possible and when plausible, intelligence information that would help the prosecutor bring cases against Putin and a variety of other individuals.

Ms. WILD. Thank you.

Is Mr. Grozev—yes, Mr. Grozev is with us.

Mr. Grozev, I have a question for you. As you work to document instances of criminality by Russian forces, have you gained a sense of how the Russian government and military's decisionmaking mechanism functions?

Have you seen any evidence that Putin and the most high-ranking officials may be taking precautions that shield themselves from possible prosecution?

Mr. GROZEV. We have obtained information that gives us an understanding of how the decisionmaking functions. But part of what we focused upon is whether or not the Russian intelligence that encouraged them to proceed with the war and has—clearly, has been faulty, whether that understanding has taken place at the Kremlin, and it has, and that was important for our understanding of the future of the conflict.

What we do know at this point is that the initial political plans that—political intelligence that Russia had received—the Kremlin had received that suggested a very quick defeat, bolstered by agents of influence in Ukraine that would have supported the Russian position—the Russian invasion—has completely failed, and this has been delivered—this information has been delivered to President Putin, which means that President Putin is currently or has been over the last several days trying to come up with an alternative strategy.

And I'm certain that, given the understanding of the failure of the original strategy, he would have started planning for an escape legally and personally as well from this.

And, again, this is why I'm encouraging as more—as much engagement with people around him, including the oligarchs, as possible, in addition to just simply attacking them through sanctions because these are the people who would help in preventing such shielding because they will be privy to all the information at this point in time.

Ms. WILD. Thank you. And with about 40 seconds left, Dr. Arend, I have one more question for you. Do you expect that we're going to see cases brought forward that would lead to high-ranking Russian officials being tried and subject to arrest in multiple countries once they leave office?

Dr. AREND. I do. I do see that happening. I see an indictment coming from the International Criminal Court. I also see some indictments coming from countries like Russia—like—Germany and Spain and, potentially, others. Yes.

Ms. WILD. All right. Thank you very much. That's all I have. I yield back, Mr. Chairman.

Mr. KEATING. Thank you. The chair recognizes Representative Tenney for 5 minutes.

Ms. TENNEY. Thank you, Mr. Chairman. I appreciate this meeting, and also the ranking member.

I think it's important to get these facts on the record and your expertise is greatly appreciated, and also just whether we have—where we can go with crafting legislation or coming up with legal solutions as Dr. Arend suggested.

I'm going to just jump to my questions because I have a lot. My first question is to Ms. Docherty, and I just wanted to ask, reports have emerged that Russia has used the thermobaric weapons and cluster munitions against civilians in Ukraine.

Have you seen evidence that Russia has used these weapons in Ukraine against civilian targets in a manner that violates international law, in your opinion?

Ms. DOCHERTY. Thank you very much for the questions, Representative Tenney.

With regard to cluster munitions, definitely, they have used cluster munitions widely in civilian areas and killed numerous civilians.

We do not have exact statistics on how many civilian casualties been caused but, definitely, they have used in civilian areas cluster munition rockets, particularly, but also missiles. We have documented several cases of that at Kharkiv I mentioned in my testimony, as well as other places, including near a hospital and so forth. So that's a particular concern.

Ms. TENNEY. So we do have evidence of that that we could use and, potentially, we could use?

Ms. DOCHERTY. Definitely, there is evidence.

Ms. TENNEY. OK. Also—

Ms. DOCHERTY. Definitely evidence. Definitely, there is evidence of inherently indiscriminate weapons that violate international humanitarian law.

Ms. TENNEY. I also just wanted to ask you your opinion, as the government of Russia has been sanctioned twice under the U.S. Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 for its use of chemical weapons, and we have also seen the, you know, the use in Syria as well, it's clear these sanctions have failed to really stop them in a deterrent way, since Syria was more recent, and prevent them from the future use of these chemical weapons, could we use—could the U.S. sanctions be done more effectively to deter Russia's use of chemical weapons?

And I say that because I was meeting with a group of Syrian Americans this weekend who were very concerned that the chemical weapons could, potentially, be used as they were in Syria in this situation, and I just wondered if there was something we could do and that you would recommend with your expertise?

Ms. DOCHERTY. Sure, and let me answer real quickly on the thermobaric side of things as well.

We do not have evidence that—we haven't documented evidence of use yet but we have seen evidence of Russian vehicles carrying thermobaric weapons. So it's possible that they could be used in the conflict, just to wrap up that first question.

In terms of sanctions, I guess I would—do not have comments on the specific sanctions that could be used. But, obviously, it's an area of concern that they could use them. We do not have evidence

at this point of having—certainly, not of having used them or any plans to use them at this point.

So I do not have a specific answer to that question, in particular. But it's an area that we'll continue to monitor. It's an area we have tracked in the past. So thank you again.

Ms. TENNEY. Yes. Definitely need to find a solution to how we can do something that's effective to prevent that from ever happening.

Mr. GARLASCO. If I could just comment, very quickly, on the use of the thermobaric weapons. We do have evidence of the OFZAB-500 being used, which is a O-F-Z-A-B hyphen 500. This is an aerial bomb. It's categorized as a fragmentation high explosive incendiary bomb.

This is a type of thermobaric weapon and there's a number of photos and videos that you can find that shows unexploded bombs of this type being removed from civilian homes. Thank you.

Ms. TENNEY. Great. Thank you. I appreciate that.

I also just want to go to Dr. Arend. The Kremlin is intentionally spreading lies that the United States and Ukraine are engaged in chemical and biological weapons activities in Ukraine.

These claims are part of a broader years-long disinformation campaign by the Kremlin to discredit the United States. For example, similarly disinformation campaigns perpetuated by the Russians, the Soviets, have included spreading false claims that COVID-19, HIV, were created in U.S. military labs.

What is the Kremlin's goal and can you address this misinformation campaign? Because there seems to be just a lot of issue—there's a lot of discussion on this in social media and people are looking for answers and the truth here.

Could you answer that quickly because I do have a legal question for you after that, if I have any time left?

Dr. AREND. I think part of the disinformation campaign is just to confuse people, generally. But also, I think it's to confuse the Russian people so that the argument is out there that Russia is really doing this because of the evil Ukrainians and the evil Americans.

Of course, that's absolute nonsense. But I think that's part of the plan.

Ms. TENNEY. Thank you.

Now, I want to ask you, because you mentioned the Alien Tort Statute and I think Ms. Wild also mentioned can we actually bring these people to justice, and my concern is can we get jurisdiction over them.

Can we compel appearances? Can we get remedies? And that was something a U.S.-based jurisdiction, but even on the international court stage—court situation, can we get that done?

And you indicated there's a possibility and I just want to know how realistic it is because I think, right now, we are crying for justice as we see these horrific videos that—not just here but what President Zelensky showed the world this morning.

We just—we want justice and we want to see Vladimir Putin pay the price for these horrific crimes and war crimes that we believe are happening. And we just want—I'd just like your legal expertise, if I have any time left on that.

Dr. AREND. Yes. So, Representative Tenney, you're absolutely correct and I think there will be justice and we need it as quickly as possible. The only question is how long is it going to take.

I think with the Alien Tort Statute we would need to have individual Russian citizens who have assets in the United States who can be reasonably accused themselves of having committed war crimes.

So whether it's a general or an oligarch or someone directly involved, and then an individual who was injured, a Russian national could bring a civil suit in the United States. That's not going to be fast because we're still trying to assemble the information. You would need to prove beyond a preponderance of evidence in a civil suit in the court.

But, I think, that would be one mechanism. In terms of exercising, whether it's Germany or Spain, exercising jurisdiction under the universality principle of enforcement jurisdiction, the likelihood is the Russian nationals are not going to be in Germany or in Spain, and so you're going to be less likely to be able to implement that sooner.

I do not know all the details of Spanish law or German law. So there may be a possibility for attachment of property, however, even in the absence of somebody appearing in court. But that would be for others to talk about.

Ms. TENNEY. Thank you. It just seems like legally a stretch for us to get jurisdiction over these people and use the U.S. court system and how effective we could be internationally might—I just think it's going to be a stretch to get them into court here and actually get—you know, get them to appear if they're not already, you know, hidden away in some—squirreled away in some country, you know, where we can't get to them.

It just—I just—it's curious. I mean, I think we need to explore every option to find justice because right now it's just—it's absolutely horrific what we're experiencing.

But thank you. I think my time has run out. Thank you to everyone and the witnesses and thank you, again, to the chairman and the ranking member for bringing this important meeting at this important time in our country. Thank you.

Mr. KEATING. Thank you. The chair recognizes the gentleman who's the chair of Western Hemisphere, Civilian Security—importantly in this issue—Migration, and International Economic Policy, Mr. Sires.

Mr. SIRES. Thank you, Chairman, for hosting this meeting today and thank you for the people who are testifying today.

You know, as I look at this, I am—I wish I was as confident as you are that we can bring some sort of justice to this issue of war crimes, because I see what Putin did in Georgia and I see what he did in Syria. He seemed to have gotten away with everything that he did, all those criminal acts, and now we're seeing what he's doing here in the Ukraine.

And we go back and forth on whether it is—where the responsibility falls on Putin. I'm just not that confident that we're going to be able to prove that these were war crimes. And I know we have all these videos and everything else, but can you talk to that a little bit and get me from where I am to a more positive view?

And as far as journalists are concerned, journalists are under attack all over the world. We do not have to go very far. We just go to Mexico, where they're killed every week and we do not seem to do anything, you know, and that's just as horrible.

So can you give me some confidence here? So I can view this, Dr. Arend?

Mr. GARLASCO. If I can just—Dr. Arend, if you do not mind, if I can just interject quickly. Representative Sires—

Dr. AREND. Please—please do, Marc.

Mr. GARLASCO. Yes. I greatly appreciate the question. I've been working as a war crime investigator for almost 20 years now, and while I do admit that justice takes time, it does not mean that we should stop, that we should pause. We must always push for justice, particularly when human rights are violated or international war crimes.

Mr. SIRES. Oh, I didn't say that at all. I do not meant to interrupt, but I do not say that at all.

Mr. GARLASCO. Yes, sir. I think it's important for us to recognize that there are a number of mechanisms. Certainly, Dr. Arend has spoken about the ICC, universal jurisdiction. But there are other ways that we can go about bringing together the information.

For example, the Commission of Inquiry, which the United Nations has recently empowered and has created, is a fact finding mission that goes out and does work on investigations on the ground in these countries.

I, myself, have been on two. I've been on the Syria Commission and also the Libya Commission. I've also worked as a war crime investigator for the United Nations in Afghanistan.

And these organization—I'm sorry, this commission is an important fact finding mission and if it is not backed by the powers of not only the United Nations but the member States, such as the United States, with funds and also, importantly, with political power, then they're unable to get the facts.

You talk about us getting justice. In order to get justice, we have to have the facts so that when Vladimir Putin is, hopefully, brought before—

Mr. SIRES. Yes, but we have the facts in Syria, sir, and we have the facts in other places, and we do not—I do not see them moving forward. I'm afraid that we'll have the same issue here.

Mr. GARLASCO. It does take time.

As Dr. Arend stated, you know, it took us a while to get Milosevic. We got Milosevic. I understand it's not—it does not feel good, but it's going to take time. Thank you.

Mr. SIRES. You know, the other thing that worries me, you know, you have all these dictators now surging in the Western Hemisphere and they see Putin get away with all the things that he does to his people, and I'm afraid that they're going to start doing the same thing in their own country, in Nicaragua and Venezuela.

So we have to find a way to—the people that are responsible for war crimes to bring them to justice. I think that's the only thing that's going to, you know, stop—is going to stop this—

Mr. GARLASCO. I totally agree with you and I—

Mr. SIRES [continuing]. Because all the abuses on their people it's just constant and it keeps growing and growing in different areas.

Mr. GARLASCO. That's an important reason for United States to show leadership, to join the International Criminal Court, and to, hopefully, bring these individuals to justice someday.

Mr. SIRES. Look, I agree with you. I'm 100 percent behind bringing these people to justice. But I get frustrated. You know, when I see—when I see Zelensky and he showed that video—you know, you see that little boy running, you know, I mean, it breaks my heart and that this Putin—I mean, he—I do not understand why people are so afraid to go against this guy.

The only guy that's giving Putin a black eye is this guy Zelensky. Quite frankly, he got away with it in Georgia. He got away with it in Syria, and we need this—you know, we need to support Zelensky as much as we can to punch this guy out in real life so he can't do this to the people in this world—the abuse on people, and I, for one, will support any kind of effort that this country wants to do to support Zelensky.

So I thank you for being here today, and I apologize. I get frustrated with these—you know, especially with this guy Putin because while we sleep these guys plotting how to destroy the United States of America, and people in this country do not realize that. We have a president that called him a genius. How idiot that was.

But I thank you. Thank you, Chairman, and my time is up.

Mr. KEATING. Thank you.

The chair recognizes Representative Pfluger for 5 minutes.

Mr. PFLUGER. Thank you, Mr. Chairman, Ranking Member, for holding this very important and timely hearing. Like many others, obviously, very concerned. I have a military background.

I'm extremely familiar, as a fighter pilot, with what it takes to deconflict from civilian casualties, to take every possible step to not engage with civilians. This is what I did for my professional career.

I have a series of questions. So I want to start out with very—with a very basic—is Vladimir Putin a war criminal?

Dr. AREND. Congressman, if I can venture to enter into this, while we do not have all the evidence and I think it's very, very important in order for us to get the forensic evidence in great detail, for us also to get any kind of testimony that's possible, it appears to me that Vladimir Putin has authorized the commission of war crimes. We have seen a variety of evidence, and while the final word is not in, it seems pretty clear to me that Vladimir Putin has committed war crimes.

Mr. PFLUGER. Does anybody—thank you very much. Does anybody have a different take on that?

Mr. GARLASCO. I do not have a different take on that. However, it is important, as Dr. Arend stated, to collect all the facts before we go forward with any kind of an indictment.

Just as we wouldn't say someone in the United States is guilty before trial, the same thing should happen with Vladimir Putin.

Mr. PFLUGER. Yes. Absolutely. I agree with that and—but I also think that, you know, at this point in time, time is of the essence. We heard Zelensky just an hour ago. I met with him 5 weeks ago in Kyiv.

I meet with members of the Ukrainian parliament on an every other day or weekly basis. So time is of the essence here. Time is

for—is not in the interest of the Ukrainian people right now every day that we delay.

So let me ask another question. Are there ways that we can be sanctioning Russian oligarchs or other people inside of Russia who are traveling internationally who we know are either helping facilitate the transfer of weapons, who are part of the process of being part of authorizations of these war crimes that could be taking place?

What can we do to these people right now?

Mr. GARLASCO. I would just like to reiterate that one of the things that we need to do, as Dr. Arend and I have stated, is to collect as much evidence as possible.

As Bellingcat, for example, is doing with open source information, the intelligence community also needs to be collecting that and sharing what it can in an unclassified format with a variety of war crimes tribunals or war crime investigations that may go forward.

We need to move forward with the facts, and this is completely separate from any kind of economic sanction that you're putting on the Russian oligarchs in parallel. But I think it's very important that we continue to move forward with the collection of as much detailed information as possible.

Mr. PFLUGER. Let me jump to my final question because I think it's extremely important, probably the most important question that I will ask.

There's a responsibility to protect, as stated in the United Nations agreements that we have all signed up to. What is our red line for intervention? Is it a nuclear weapon? Is it the attack of a nuclear facility? Is it the indiscriminate bombing of innocent civilians?

I mean, what is you all's recommendation on a red line for this administration?

Mr. GARLASCO. Congressman, I want to thank you for that question. I believe that the red line for that is above my pay grade. But what I will say is that the responsibility to protect is an important part of what is enshrined in the United Nations.

As you know, NATO went to war in Libya, for example, because of the attacks on civilians in Benghazi. We then intervened and protected the civilian population. So there is that option, moving forward.

Dr. AREND. And just from a legal perspective, the—where the red line is is also above my pay grade as well. However, I want to say that because an armed attack has occurred against Ukraine, under Article 51 of the United Nations Charter, Ukraine has a right of collective self-defense, meaning right now it is lawful for other States in the international system, including the United States, to come directly to the aid of Ukraine.

Whether that should happen now and how is a policy question, again, above my pay grade. But it is perfectly lawful under international law to provide defense in any form to Ukraine.

Mr. PFLUGER. Thank you, Mr. Chairman. I realize my time has expired and I appreciate you taking the interest in this hearing. I yield back.

Mr. KEATING. Thank you, Representative.

And for the witnesses' edification, the full committee will be looking at the discussion of an AUMF and authorization to use military force, and that's something that the Foreign Affairs Committee will be addressing.

So I thank the representative for his question and I'll now yield to Representative Costa for 5 minutes.

I believe you're muted, Representative.

Mr. COSTA. Thank you very much, Mr. Chairman, for the importance of this subcommittee hearing and the timeliness, given the dire circumstances that we are all dealing with and President Zelensky's speech this morning to a joint session.

I want to ask a couple of questions related to the discussion we have already had today, and both to Mr. Grozev and Dr. Arend, to give more detail, Mr. Grozev—and I do not know if, Dr. Arend, you'd care to comment, but can you give members the sense of the scale and the scope of the alleged war crimes that are being carried out that are hard—that are hard to prosecute?

We saw that video this morning and it was horrific, and we have seen other demonstrations of the acts of terror that this pariah, Putin, I think, should be held up to as a war criminal. But prosecuting them, as we looked at the example back in the 1990's in Bosnia, how do we get there from here? I know a number of nations are in the process of taking action.

Mr. GROZEV. If I can quickly respond.

First of all, there's, certainly, going to be hard prosecutable—in fact, easy to prosecute and prove evidence after the war is over. That will take years.

But there is evidence of mutilation of prisoners of war. There's evidence of killing and mutilation of completely random civilians because they witnessed the army movements.

There's evidence of, and we haven't made this public, there's evidence of, in fact, targeted killings of people who were thought by Russia to be on their side and they had been developed as assets and agents for a long time but they didn't come forward at the last minute and they—

Mr. COSTA. Testimony by captured Russian personnel can also be used?

Mr. GROZEV. Yes. Yes, of course, many of them, obviously, subject to the legal limitations of what—of not forcing a prisoner of war to testify, but many of them—many young conscripts who were captured were—did not even know they were going to war until the day they went and they willingly, at this point, are ready to testify as well.

So I think it will be not difficult to prove the commission of war crimes in the future. What is really important now is to look at the open source evidence that provides real-time evidence of war crimes that cannot not have happened because they are there. We see the destroyed—

Mr. COSTA. So we need to be documenting this and making sure that we have the best information.

Mr. GROZEV. We're doing that, and it's a policy decision for governments to act. It's not so much a legal requirement or ban thereof.

Mr. COSTA. Dr. Arend—

Mr. GARLASCO. If I can just tag on to that, very quickly. You asked what are difficult war crimes to go after, and from my perspective, having run many war crime investigations in the past, really the issue that I'm looking at here is one of DPH—direct participation in hostilities by the civilian population.

We have some very brave Ukrainians taking up arms to defend themselves and their country. But because of this, they are now directly participating in hostilities and they make themselves lawful targets.

When that happens, it becomes difficult for war crime investigators to go into a site and say a bomb was dropped on a building, an apartment building, let's say, and was that because the Russians were very poor in their targeting and just—and didn't do it well—they're not very professional. That's not a war crime.

Is it because they were targeting people who are directly participating in hostilities? That is not a war crime. Or is it because they were trying to kill civilians in that building and they were using the direct participation of hostilities as an excuse? That then becomes very difficult to adjudicate and that is one of the harder things to prove on the battlefield.

Thank you.

Mr. COSTA. Yes, and the misinformation and the outright lies that Russia has been active in during the course of this action, obviously, obfuscates a lot of that.

Dr. Arend, my last question here. Congress, what can we do to strengthen the War Crimes Act in order to more directly prosecute Russia for war crimes? Do you have recommendations?

Dr. AREND. I do, indeed, Congressman Costa. That, I think, is a very good question. At present, the War Crimes Act says you have to be an American national to be prosecuted or an American national has to be the victim of the war crime, and that could, certainly, be expanded to include people who are not American nationals or not victims of some sort of action.

So you could expand that to include other individuals who have perpetrated the war crimes. I think that would be a very, very good idea. It is more akin to the kind of universal jurisdiction statutes that other countries have.

Mr. COSTA. Well, Chairman Keating, my time has expired. But I think we should consider that when the full committee acts or holds a hearing on this within the next week or so as a recommendation in terms of how we can better strengthen the War Crimes Act and America's resolve to prosecute those who have been the greatest offenders.

Thank you very much.

Mr. KEATING. I look forward to working with you and our office is in the process of doing that. So I enjoy your support and help in that regard.

The chairman recognizes Representative Meijer for 5 minutes.

I'm not sure if Representative Meijer is still with us. I do not see him on the screen.

Representative Meijer is still with us?

Mr. MEIJER. Can you hear me now, sir? Can you hear me now, sir?

Mr. KEATING. Yes.

Mr. MEIJER. OK, and I apologize for that. Thank you, Mr. Chairman, and thank you to our witnesses who are here today.

I want to drill down on some of the other questions my colleagues asked. You know, we had that discussion on, you know, making sure after the fact that there is justice being served.

I think the—one of the paramount goals is what we can do today to prevent, to dissuade that coercive ability that, I think, we're trying to do with the sanctions and when it comes to preventing, you know, the deliberate targeting of civilian areas.

I guess my question would be, first, to Mr. Grozev. Do you see any indication on the open source side of the Russian military officials who are either ordering or carrying out indiscriminate attacks on civilian areas that likely constitute a war crime?

That they are aware that they are committing potential war crimes and that they could be, you know, facing justice after the fact for those actions?

Mr. GROZEV. Yes, we do. There's a lot of verified audio recordings, intercepts of telephone calls, and this is actually one of the silver linings of this conflict.

Because of the incompetence of the Russian army, they have totally been unable to use their secure communication system and they've, largely, communicated via open channels.

There are tens of thousands of intercepted phone calls that will be made available and validated by future investigators, and in some of them you could hear the soldiers and the officers reporting to their loved ones that actually have been told to disregard civilian care and care of civilian casualties—not necessarily to target them offensively but to not really put them on the priority list and to assume that they should be in the line of fire.

And this alone is evidence that they're aware and their commanders are aware of the likely commission of the crime.

Mr. MEIJER. And I guess just, you know, a little bit further on that. I mean, I'm not as familiar with Russian training, tactics, and procedures. I know in the U.S. military it is required that we understand the law of armed conflict. It's required that we understand proportionality, the avoidance of civilian casualties.

You know, that's something that has been, you know, well understood, everything from local level rules of engagement to just what our basic training and requirements are. This may go beyond the scope of this hearing, but is that something that Russian soldiers, you know, understanding a lot of these are conscripts who seem very poorly trained and their basic elements of maneuver and tactical procedures seem laughable and incompetent, you know, is there any equivalent understanding of Geneva Conventions of law of armed conflict that is taught within the Russian military, whether at, you know, officer level or among enlisted?

Mr. GROZEV. I will answer very briefly and I'll ask other members of the

[inaudible] to add to that. My understanding is that conscripts are taught that but at a very rudimentary level and without taking this seriously, because the concept of offensive war in Russia among the Russian military was also a—totally unthinkable until a couple of weeks ago.

But important to know that in this conflict we also have private military contractors that are heavily used by the Russian side exactly to deflect responsibility and we have at least several hundred deployed in Ukraine, maybe more.

We have talked to some of them and we know that they've been given a free hand to actually go after a list of civilian or military targets of people, kill lists, to go after and kill without necessarily complying with any international norms of warfare.

Mr. MEIJER. I do not know if there's any other witnesses who want to answer on that, or else I'll kind of conclude.

You know, I guess, if there is an understanding—and Mr. Grozev, I really appreciate you sharing and putting on open source the failures of Russia's Era encrypted messaging system and so we have seen that evidence that they're aware of what they're doing.

Is there any evidence that they are—or any intercepts or any awareness that some of the crimes could be on par with what has been tried in, you know, international courts? We mentioned Syria as something that had been kind of dissuaded or we had not seen the concentrated effort to get justice there.

But, certainly, Bosnia, Serbia, you know, prior conflicts in the mid to late 1990's there had been concerted efforts. Are any of these Russian soldiers, officers, generals, do they express any hesitation or awareness of what justice may befall them?

Mr. GROZEV. Based on the few intercepts that have been made available publicly and to us, there are cases of officers being aware of what they're—what they're doing, of being uncomfortable but still following through with orders.

So it's really going to be a case—in these cases is going to be a case of following the chain of commands to the person who was in charge of authorizing such unlawful methods.

Mr. MEIJER. Thank you.

And with that, Mr. Chairman, I yield back.

Mr. GARLASCO. I just wanted to say quickly that any soldier that commits an unlawful—that accepts an unlawful order that they would then be up for a potential war crime indictment.

Mr. MEIJER. Great. Thank you.

Mr. KEATING. The chair recognizes Representative Schneider for 5 minutes.

Mr. SCHNEIDER. Thank you, Chairman Keating, and I want to thank you for having this hearing. I want to thank our witnesses for taking the time to speak to us and to share your perspectives.

Before I go to my questions, I want to reflect a little bit on comments earlier made by my colleague on the appropriateness of this hearing.

And on the one hand, I agree it is imperative that we in Congress, and, in particular, the Foreign Affairs Committee, have the discussions about how we best help Ukraine fight against the Russians to defend themselves, to protect their territory, protect their rights, protect their sovereignty, and that is an important conversation. I was in the hall today when President Zelensky spoke to us and made his impassioned plea.

But we can do two things at the same time and it is imperative as well and vitally important that we have this hearing today to talk about potential war crimes, to understand what we need to do

to collect and protect the information to hold the people to account down the road.

And so I just want to thank you for having this hearing. I look forward to, as you noted, to further discussions about other actions we might take.

Shifting back to where we are now, and I apologize for the bell, long bell, if I can turn to Professor Arend. You used the term “I’m not a lawyer” but I think I understand the concept.

You said reasonably should have known, and at the end of the day, we have seen the pictures, the pictures that were included in the testimony here of civilians tortured and murdered. We have seen the video that was shown here today, actions taken by soldiers in Ukraine, actions taken by artillery. But there’s a chain of command and, ultimately, Putin is at the top of the command.

Professor Arend, can you expand a little bit about the idea—well, you also said authorized commissions of war crimes, how that fits together and why accountability runs through the entire chain of command.

Dr. AREND. So thank you very much, Congressperson.

It’s a very important question, and the reasonably knew or reasonably should have known, I am going back to the Yamashita case, which was a trial in the Far East Tribunal after the Second World War, and under Yamashita there were a variety of war crimes that were taking place and the claim was he did not know, and the response of the tribunal was he was the commander.

He had command responsibility. Either he knew or he should have known because he was the commander. And in this particular case, if we go all the way up to Vladimir Putin, I actually do believe he has ordered things which have been war crimes.

That’s my sense, again, without the forensic details on that. But even if he didn’t order those things, he’s seeing the same videos. He’s hearing the same reports. He’s, ultimately, making the decisions and he reasonably should have known.

Mr. SCHNEIDER. Great. Thank you. And if I expand it further, we are in the thick of a war, twenty-first day of an unlawful assault on Ukraine, civilians being targeted, civilians dying.

The prosecution of those crimes, though, and I’ll open this to all the witnesses, does not happen immediately. It takes time. How important is it to collect information today so that we can effectively and successfully hold to account once we achieve the peace and the end of this war?

Mr. GARLASCO. Congressman, that is one of the single most critical things that the U.S. Government can do, is one of the single most critical things the United Nations and its investigators can do, and any support that you and the intelligence community can provide to those investigations would be absolutely critical. Regardless if we’re able to get someone short term or long term, justice will find them.

Mr. SCHNEIDER. Great. Thank you. And my last question in my last minute, I’ll direct this to Mr. Grozev. You talked about the role of individual responsibility.

So we talked about should have known. But for each individual, whether it is a front line soldier or a decorated general, what is their individual responsibility?

Mr. GROZEV. That is a very good question that actually leads a little bit back also to the question about what the United States can do in terms of better sanctioning.

You are targeting the top oligarchs and the top generals, but a lot of the people who have some say in the process and know what they're doing are not being sanctioned, and this has relevance both on the military side but also on the civilian side.

There are hundreds of employees of the Russian State that are enabling the war effort today while they are not sure whether they're following orders that are compliant with international law.

I think an example should be made of several hundreds of these that we have identified and I'm sure that your intelligence would be much better than us identifying, and putting such people, mid-level people, on the sanction list because this will discourage others from actually jumping in and exposing themselves to sanctions.

So these middle-level enablers, both on the civilian and the military side, are people that I think should be addressed in a further wave of sanctions.

Mr. SCHNEIDER. Thank you.

And, Mr. Chairman, my time is expired. I yield back.

Mr. KEATING. Thank you. The chair recognizes Representative Meuser for 5 minutes.

Mr. MEUSER. Thanks, Mr. Chairman. Thanks very much, and thanks very much to the witnesses. Some compelling information being provided. It's appreciated and of great value.

So let me ask you this just to start, please. Perhaps, Mr. Garlasco or any of the other witnesses. President Biden has said there will be severe consequences if Russia uses chemical weapons in Ukraine. In all due respect, I'm not sure what that means at this point. Do you—could you interpret what do you think that means?

Mr. GARLASCO. Thanks for the question, Congressman. The mindset of the President is not in my purview. I can say that Russia has not used chemical weapons in Syria. As a war crime investigator for the U.N. in Syria we found no evidence of Russia using chemical weapons.

The Syrian government did, however, and they did it in support of Russia, for example, in the attack on Douma on April 7th, 2018, which Bellingcat did an excellent investigation of.

They showed how the Syrian government supported Russian attacks in the area using chlorine gas and killing upwards of 50 civilians in a single strike. So we do know that while they have not used it they have been supported with chemical weapons. Thank you.

Mr. MEUSER. Thank you. Now, let me ask you this. So as this thing moves along and, you know, of course, we all saw Zelensky's comments this morning and offering that NATO, perhaps, would be off the table and perhaps he's offered other points in the negotiation to create a negotiation or some level of appeasement seeking peace, the—what additional atrocities—and again, I'm not—I am asking your opinion here. You do not have a crystal ball or get into anybody's head. But do you think could occur within Kyiv if you were wargaming this?

Mr. GARLASCO. Well, you know, I have to ask you to really look to my organization, PAX, and the product that we put out under SiegeWatch.org. We have put together 10 separate reports on the history of sieges in Syria as conducted by the Russian Federation, how they systematically circled and starved out communities. They began with a surrender or starve order, and then it later changed to surrender or die.

In fact, they were targeting tunnels that people were using to transport food goods into those areas. So there were direct targeting of civilians and their foodstuffs, medicine, et cetera, with the sieges.

Mr. MEUSER. Right.

Mr. GARLASCO. So my grave concern right now is the establishment of sieges within the cities, whether it's Mariupol or Kyiv or others, surrounding those areas, cutting the foodstuffs off, hitting food—we have already seen food warehouses hit. So you're going to really—they're putting the screws in the civilian population and that's a grave concern.

Mr. MEUSER. Wow, and that could be tens of thousands of people, of course, could perish.

OK. Are there any drops? Are there—is there any other humanitarian aid that—I mean, not within the boundaries of Ukraine, of course, but is there any response to that as far as your intelligence and intellect and experience could respond to? Is there anything that we can do to help that situation?

Mr. GARLASCO. Well, it's—so it's—I think it's important that foodstuffs and goods come across the border. It would be great if the United Nations, you know, through the good offices of the United States or others, other member States, could negotiate food deliveries through World Food Programme, for example, as happened in Syria.

The concern, of course, is, though, that those food convoys would then be targeted, as happened in Syria. So they would—

Mr. MEUSER. Would that—would that be a war crime. Do you think that—

Mr. GARLASCO. That's would absolutely be a war crime. There's no doubt that that would be a war crime.

Mr. MEUSER. Yes. OK. There's quite a few war crimes but that one is—

Mr. GARLASCO. Targeting—direct targeting civilians—starvation as a—

Mr. MEUSER. In war is a war crime.

So and I know you all discussed this before, but the ICC versus an independent tribunal—your quick thoughts on that?

Mr. GARLASCO. My quick thoughts is you take every single avenue you possibly can. You support the ICC. You support the Independent Commission of Inquiry. You support the OSCE's investigation. You support any universal jurisdiction investigation. You do not go down one road. You go down every road so that one of those screws sticks.

Mr. MEUSER. That's great. Thank you, Mr. Chairman. I yield back. I appreciate that very much.

Mr. KEATING. Thank you, Representative.

The chair now recognizes Representative Jacobs for 5 minutes.

Ms. JACOBS. Well, thank you, Chair Keating, for your leadership on this issue and for letting me join this subcommittee hearing.

I wanted to, first, thank the witnesses for all of your incredibly important work and to talk about one of the really important issues, I think, we haven't gotten to enough, which is the use of cluster munitions, the deliberate targeting of hospitals, residential buildings, and I think an important part of how we handle this war will be ensuring accountability for those who have committed war crimes and crimes against humanity.

The use of cluster munitions is, rightly, condemned by the international community. A hundred and twenty-three States have joined the Convention on Cluster Munitions.

Unfortunately, the United States is not one of them. Ms. Docherty or Dr. Arend, can you speak to the importance of this convention and how might the U.S. being a party to this convention help our case in condemning Russia's unjustified egregious actions in Ukraine?

Ms. DOCHERTY. I'd be happy to speak to that. Yes.

So the Convention on Cluster Munitions comprehensively bans use, production, stockpile, transfer of cluster munitions. A hundred and ten States have—are actually full parties to it and another—a number of other States have signed the treaty, meaning they are also obliged to uphold the object and purpose of the treaty, which would include not using cluster munitions. Also, the majority of NATO States and U.S. allies have joined the treaty.

If the U.S. joined the ban, it would definitely give it the added moral high ground to condemn Russia's behavior in this conflict as well as in other conflicts. Russia-Syrian alliance used cluster munitions widely in Syria, and Russia-backed rebels and Ukraine both used them in the 2014–15 conflict.

So it would—it's really crucial that the U.S. take steps toward joining the treaty and also to change its domestic policies. I mentioned in my earlier testimony that the Trump administration rolled back the policy under the Bush Administration that would have ceased use of most cluster munitions by 2018.

So at a minimum, the U.S. should reverse the Trump administration's policy. But I encourage this—the country to join the treaty as soon as possible.

Dr. AREND. And I just want to agree completely with what Ms. Docherty just said. I think it's vital that the United States ratify the Cluster Munitions Convention as soon as possible and also roll back those previous restrictions that she mentioned before. Very important in setting the example for the rest of the world.

Ms. JACOBS. Well, I completely agree with you. The United States is in support of the ICC investigation on the situation in Ukraine.

I think the support for an ICC investigation is incredibly important, especially as we have seen so many of the heartbreaking images from today and that you all showed, and I, honestly, hope this marks a change in the United States' stance on the ICC in general.

So, Mr. Garlasco, and anyone else who wants to comment, could you share with us how the United States can be more supportive of this investigation as a nonmember of the ICC, and what kind of

information can the U.S. provide to the court that would be helpful in prosecuting those who have committed war crimes in Ukraine?

Mr. GARLASCO. Thank you for this question, Representative Jacobs.

First, it would be great if the United States showed the leadership of joining the ICC. But beyond that, there are a number of steps that the U.S. can take, as I stated in my testimony.

The intelligence community, I'm certain, is currently collecting an awful lot of information it could declassify and provide to the ICC and other investigatory bodies that are currently ongoing.

So that would be an important step. Also, an important step would be to fund these bodies. So, for example, the brand new Commission of Inquiry that the U.N. has just put forward and authorized requires funding so that it can begin its work. So these are a number of steps, of concrete steps, that the United States could take right now.

Mr. GROZEV. If I could jump in and add to that.

I completely agree with Dr. Garlasco. The United States intelligence agencies traditionally compile a lot of information in the course of conflicts like this one and rarely share it either with judicial bodies or even with the general public. And, obviously, there's a balance to be made between national security and exposing the technical means and helping the judicial process.

I just think that this balance should be reconsidered in the case—in similar cases in the past, such as the shooting down of MH-17, the airliner. The United States refused to share its intelligence data from satellites with the law enforcement bodies in investigating the case on the argument that it does not want to disclose its technical capabilities.

But in this case, we're talking about, potentially tens of thousands of deaths, and providing that to law enforcement, to ICC, or to the Dutch or Spanish or German investigators would probably be a moral—a higher moral calling than some hypothetical damage to national security.

Ms. JACOBS. Well, thank you. And in my last remaining seconds, I just wanted to see if any of you have thoughts on how we kind of balance the need to hold accountable and the need to try and cut a deal and end the conflict.

You know, I have a master's degree in international conflict resolution. I feel like this question of peace or justice is one that we debate often. I think it's much more nuanced than that, as we know that there really won't be peace without justice.

But if any of you have thoughts as we're looking at potential off ramps and deals on how we try and thread this needle and do both well?

Dr. AREND. One quick comment on that, because that's exactly what I talk about in class when we try to balance peace and justice.

So one thing I've heard some folks say is—and one was David Scheffer, who knows a tremendous amount—this is our former U.S. Ambassador on war crimes—is that all the sanctions need to be in place until people are brought to some kind of tribunal without judging the whole issue.

I think that's going too far. I think if we saw Russian troops exiting Ukraine in a verifiable way we should reduce certain sanctions. I think if we saw other actions on the part of Russia we should reduce certain sanctions.

So at least on that one piece of it, I do not think we should keep sanctions in place until people are brought to war crimes tribunals because that will, certainly, discourage any kind of off ramp.

Beyond that, it's a delicate balance and we, I think, have to look at individual circumstances and individual cases.

Ms. JACOBS. Thank you.

And my time has expired so, Mr. Chairman, I yield back.

Mr. KEATING. Thank you, Representative.

The chair now recognizes Vice Chair Spanberger for 5 minutes.

Ms. SPANBERGER. Thank you very much, Mr. Chairman.

And I have been joining this committee hearing on and off through—in tandem with other—another committee hearing and I just want to thank you, Mr. Chairman, for putting this together. This is one of the most extraordinary hearings I've participated in in terms of just the valuable information that the witnesses are providing. So to all the witnesses, thank you so very much.

A couple of questions that I'd like to run through, and I know there's been some discussion related to social media and technology and so just jumping straight to what role do you see for social media companies in preserving the evidentiary record of war crimes or potential war crimes, and what role could they play in removing or curating information so that we can separate facts from lies?

And I will open it up to anybody who wants to speak to it first.

Mr. GARLASCO. We saw a situation in Syria where a number of videos were being taken down by YouTube and other social media organizations, which led to a real crisis where we, in the United Nations Commission of Inquiry when I was on it, were unable to catalogue all of the videos that we needed to catalog.

And so there was an outreach to a variety of organizations to keep that historical data. It is critical for any war crime investigation to have that, particularly, because of the chain of custody issue.

And so since they would be the originators of that information, we would then turn to them to hold it within some kind of a—you know, a repository. So I think that's a really important and fine question that most people do not get about war crimes because we have turned to an era right now where social media is—you know, is prevalent, and we're watching the war crimes being broadcast live by people daily in Ukraine.

So it really needs to be captured because of the concern that it might be taken down at some time by some—you know, some automated system within a YouTube algorithm, for example, that looks for some kind of violent act and takes it down, and that really needs to be catalogued. Thank you.

Ms. SPANBERGER. And you said you had trouble—if I could just go back to your answer—you said you had trouble cataloging previously. Was that because the videos were getting pulled down?

Mr. GARLASCO. That's correct. It was because videos were being removed. There was a request by a variety of organizations to have videos reuploaded.

Ms. SPANBERGER. And from a congressional standpoint, then I'm curious—perhaps an important place for us to followup is how those videos, while taken down, might be saved in some sort of repository and made available.

Are you aware of any requirements or internal company policies of any of these social media companies that do keep—when they take them down, they file them, they catalog them, or they have them available to individuals such as yourselves and your organizations?

Mr. GARLASCO. I am not aware of social media companies' policies, but, rather, the policies of some of these war crimes investigative bodies, such as the Commission of Inquiry, the independent investigative mechanism of the United Nations.

They have very specific requirements on data protection and chain of custody, and so it would definitely behoove the United Nations and the social media companies to get together and to discuss how that information can be saved in such a way that supports future war crimes trials so that they are accepted by the war crime trials and not just thrown—the evidence being thrown out because you do not have chain of custody.

Ms. SPANBERGER. Thank you very much, Mr. Garlasco.

Would anyone else want to add to that line of questioning or to his comments?

And so when we're looking at some of the propaganda efforts of the Russians, some efforts to obscure the record, some of the propaganda they're doing at home, what are some steps that we, the United States, could be taking, the Congress, or American social media companies to ensure the differentiation, kind of, of the historical record of Russian propaganda versus the atrocities on the ground?

Mr. GARLASCO. Well, you know, you just discussed taking videos down—videos for war crimes investigations that we do not want taken down. But propaganda videos we would want removed.

I look specifically to the work of Bellingcat on the Douma investigation in 2018—you know, the fine work that they did. Immediately after their investigation came out, the internet was just plastered with stories—with false stories and it really mucked things up and made it very difficult.

And so I would, you know, turn also to Christo to address that.

Mr. GROZEV. Yes. The disinformation machine in Russia works on a very efficient level, much more than any other country's propaganda machine that I'm aware of because it's diversified and decentralized.

It works from the top down but it also has several centers run by oligarchs making their money off government contracts that actually work almost on a competitive basis with one another.

So we are seeing a huge disinformation effort in all social media platforms that compete with the authentic content that is being produced by people actually witnessing the war crimes, and this fake content, essentially, provides a counterfeit version of reality. It's difficult to—for us to go after each incident of forged evidence.

But for social media companies, it is relatively easy. There are algorithms they can use and they can, during times of war, tune them up somewhat on the—erring on the side of caution side as opposed to just allowing any search content that has been posted by an account that was created 3 days ago being widely available and widely seen.

So asking social media companies to tune up their algorithms to be more cautious at this time is one thing that can happen. Another thing is that government accounts that spread disinformation should not just be noted with the disclaimer it's a government account.

When they publish clear disinformation, such as the account of the Foreign Ministry of Russia, claiming that the people that were hurt or killed in the attack on the maternity ward were crisis actors, this is not only false—demonstrably false—it's also offending to the victims, and something like this should be taken down immediately as opposed to be given just a warning.

Ms. SPANBERGER. Thank you very much.

And, Mr. Chairman, thank you for letting me run over. I hope you agree that that response was worth the extra time. Thank you very much. I yield back.

Mr. KEATING. Thank you very much. I want to thank our witnesses. This has been an important and lengthy hearing. I want to thank all the members—the many members who participated in a very busy schedule to be part of this.

I was a former prosecutor before I was a Member of Congress and I know how important it is to get the information, to talk to percipient witnesses in a timely fashion, to document, to chronicle, to authenticate evidence, and that has to be done as soon as it can be done.

And today's testimony made clear the importance of the investigation side, the importance of looking at what tools are there, what tools could be expanded in terms of bringing people to justice, and making sure that this is an ongoing commitment and letting the world know that this is being done, which, I think, will have a deterrent effect as well.

All these things are important. This committee is prepared to move forward on many of the things. In fact, we had some in motion before the hearing. You've helped us, I think, a great deal make those much more targeted, and we'll ask for your continued cooperation, if it's available, as we move forward to move with some results from this hearing.

So I want to thank everyone. This was an important hearing and it's something that can't be left to do afterwards. It has to be done while things occur.

So with that, members of the committee will have 5 days to submit statements, extraneous materials, and questions for the record, subject to the length and limitation in the rules.

As I mentioned at the outset, we have made your written statements all part of the record and I want to thank you for those statements as well.

With that, this hearing is adjourned. Thank you so much.

[Whereupon, at 12:27 p.m., the subcommittee was adjourned.]

APPENDIX

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Europe, Energy, the Environment, and Cyber**

**William R. Keating (D-MA), Chair**

March 16, 2022

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Europe, Energy, the Environment, and Cyber via Cisco WebEx (and available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>):

**DATE:** Wednesday, March 16, 2022

**TIME:** 10:00 a.m., EDT

**SUBJECT:** Early Signs of War Crimes and Human Rights Abuses Committed by the Russian Military During the Full-Scale Invasion of Ukraine

**WITNESS:** Mr. Christo Grozev  
Chief Executive Officer  
Bellingcat

Anthony Clark Arend, Ph.D.  
Professor of Government and Foreign Service  
Chair, Department of Government  
Georgetown University

Ms. Bonnie Docherty  
Senior Researcher, Arms Division  
Human Rights Watch

Mr. Marc Garlasco  
Military Advisor  
PAX for Peace

**By Direction of the Chair**

**HOUSE COMMITTEE ON FOREIGN AFFAIRS**  
*EUROPE, ENERGY, THE ENVIRONMENT, AND CYBER SUBCOMMITTEE HEARING*

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MINUTES OF SUBCOMMITTEE ON Europe, Energy, the Environment, & Cyber HEARING

Day Wednesday Date 03/16/2022 Room Cisco Webex

Starting Time 10:11 Ending Time 12:27

Recesses ( ) ( ) to ( )

Presiding Member(s) William R. Keating

Check all of the following that apply:

Open Session [x] Executive (closed) Session [ ] Televised [x] Electronically Recorded (taped) [x] Stenographic Record [x]

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

TITLE OF HEARING:

Early Signs of War Crimes and Human Rights Abuses Committed by the Russian Military During the Full-Scale Invasion of Ukraine

SUBCOMMITTEE MEMBERS PRESENT:

See Attached

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

Representative Sara Jacobs

HEARING WITNESSES: Same as meeting notice attached? Yes [x] No [ ] (If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

- Mr. Christo Grozev's Testimony
Mr. Christo Grozev's Testimony Appendix
Dr. Anthony Clark Arend's Testimony
Ms. Bonnie Docherty's Testimony
Mr. Marc Garlasco's Testimony
Mr. Marc Garlasco's Testimony Appendix
Representative William R. Keating's Addition to the Record on behalf of Mr. Christo Grozev

TIME SCHEDULED TO RECONVENE or TIME ADJOURNED 12:27

Clear Form

Note: If listing additional witnesses not included on hearing notice, be sure to include title, agency, etc.

Benjamin Cooper Subcommittee Staff Associate

WHEN COMPLETED: Please print for subcommittee staff director's signature and make at least one copy of the signed form. A signed copy is to be included with the hearing/markup transcript when ready for printing along with a copy of the final meeting notice (both will go into the appendix). The signed original, with a copy of the final meeting notice attached, goes to full committee. An electronic copy of this PDF file may be saved to your hearing folder, if desired.